

AMENDED IN SENATE MAY 19, 2010

AMENDED IN ASSEMBLY MARCH 23, 2010

AMENDED IN ASSEMBLY MARCH 4, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1596**

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**Introduced by Assembly Member Hayashi**

January 4, 2010

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~~An act to add Section 527.11 to the Code of Civil Procedure, and to amend Section 136.2 of, and to add Section 269.1 to, the Penal Code;~~  
*An act to amend Sections 527.6, 527.8, 527.10, 527.85, and 527.9 of, and to add Section 527.11 to, the Code of Civil Procedure, to amend Sections 241, 242, 243, 244, 245, 246, 6304, 6320, 6320.5, 6322.7, 6345, 6380, 6384, 6387, and 6389 of, to add Section 6229 to, and to repeal and add Section 6302 of, the Family Code, to amend Section 6103.2 of the Government Code, to amend Section 136.2 of the Penal Code, and to amend Sections 213.5, 15657.03, and 15657.04 of the Welfare and Institutions Code, relating to protective orders.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 1596, as amended, Hayashi. Protective orders: emergency protective orders: enforcement priority.

**Existing**

(1) *Existing* law authorizes a court to issue various types of restraining and protective orders to enjoin a person from engaging in specified acts against another person.

This bill would provide that, in the event multiple and conflicting restraining or protective orders are issued against the same person for the protection of the same individual or individuals named in the orders,

the orders shall be enforced in a manner that provides the greatest protection to the individuals protected under the orders and provides the most restrictions to the restrained party.

(2) *Existing law authorizes a court, on a showing of good cause, to include in a civil harassment restraining order other named family or household members who reside with the plaintiff.*

*This bill would eliminate the requirement of residence with the plaintiff.*

(3) *Existing law provides that a hearing on a petition for a civil harassment or workplace violence restraining order must be held within 15 days from the date a temporary restraining order is issued, or within 21 days, if good cause appears to the court.*

*This bill would provide that a hearing on a petition for a civil harassment or workplace violence restraining order must be held within 21 days from the date a temporary restraining order is granted or denied, or within 25 days, if good cause appears to the court.*

(4) *Existing law requires the court to order the plaintiff, or his or her attorney, to deliver a copy of each civil harassment, workplace violence, or elder or dependent adult abuse restraining order to specified law enforcement agencies within one business day. Existing law requires the Department of Justice to maintain a statewide telecommunications system, entitled the California Law Enforcement Telecommunications System, for use by law enforcement agencies.*

*This bill would provide that courts may alternately transmit these orders to law enforcement for entry into the California Law Enforcement Telecommunications System (CLETS), or enter the order directly into CLETS with the approval of the Department of Justice.*

(5) *Existing law provides that an elder or dependent adult who has suffered abuse may seek a protective order.*

*This bill would allow an action to be brought on behalf of an elder or dependent adult by a conservator or by specified other authorized persons.*

(6) *This bill also would make technical and conforming changes to those provisions of law that govern the issuance of protective orders.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 527.6 of the Code of Civil Procedure is*  
2     *amended to read:*

3     527.6. (a) (1) A person who has suffered harassment as  
4     defined in subdivision (b) may seek a temporary restraining order  
5     and an injunction prohibiting harassment as provided in this  
6     section.

7     (2) A minor, under 12 years of age, accompanied by a duly  
8     appointed and acting guardian ad litem, shall be permitted to  
9     appear in court without counsel for the limited purpose of  
10    requesting or opposing a request for a temporary restraining order  
11    or injunction, or both, under this section as provided in Section  
12    374.

13    (b) For the purposes of this section, ~~“harassment”~~ is:

14    (1) *“Course of conduct” is a pattern of conduct composed of a*  
15    *series of acts over a period of time, however short, evidencing a*  
16    *continuity of purpose, including following or stalking an individual,*  
17    *making harassing telephone calls to an individual, or sending*  
18    *harassing correspondence to an individual by any means,*  
19    *including, but not limited to, the use of public or private mails,*  
20    *interoffice mail, fax, or computer e-mail. Constitutionally protected*  
21    *activity is not included within the meaning of “course of conduct.”*

22    (2) *“Credible threat of violence” is a knowing and willful*  
23    *statement or course of conduct that would place a reasonable*  
24    *person in fear for his or her safety, or the safety of his or her*  
25    *immediate family, and that serves no legitimate purpose.*

26    (3) *“Harassment” is unlawful violence, a credible threat of*  
27    *violence, or a knowing and willful course of conduct directed at*  
28    *a specific person that seriously alarms, annoys, or harasses the*  
29    *person, and that serves no legitimate purpose. The course of*  
30    *conduct must be such as would cause a reasonable person to suffer*  
31    *substantial emotional distress, and must actually cause substantial*  
32    *emotional distress to the plaintiff petitioner.*

33    (4) *“Petitioner” means the person to be protected by the*  
34    *temporary restraining order and injunction and, if the court grants*  
35    *the petition, the protected person.*

36    (5) *“Respondent” means the person against whom the temporary*  
37    *restraining order and injunction are sought and, if the petition is*  
38    *granted, the restrained person.*

(6) “Temporary restraining order” and “injunction” mean orders that include any of the following restraining orders, whether issued *ex parte* or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls, as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of the petitioner.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

~~As used in this subdivision:~~

~~(1)~~

(7) “Unlawful violence” is any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

~~(2) “Credible threat of violence” is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.~~

~~(3) “Course of conduct” is a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including following or stalking an individual, making harassing telephone calls to an individual, or sending harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mails, interoffice mail, fax, or computer e-mail. Constitutionally protected activity is not included within the meaning of “course of conduct.”~~

(c) In the discretion of the court, on a showing of good cause, a temporary restraining order or injunction issued under this section may include other named family or household members.

~~(e)~~

(d) Upon filing a petition for an injunction under this section, the ~~plaintiff~~ petitioner may obtain a temporary restraining order in accordance with Section 527, except to the extent this section provides a rule that is inconsistent. *The temporary restraining order may include any of the restraining orders described in paragraph (6) of subdivision (b).* A temporary restraining order

1 may be issued with or without notice ~~upon an affidavit~~, based on  
2 a declaration that, to the satisfaction of the court, shows reasonable  
3 proof of harassment of the ~~plaintiff petitioner~~ by the ~~defendant~~  
4 ~~respondent~~, and that great or irreparable harm would result to the  
5 ~~plaintiff petitioner~~. In the discretion of the court, and on a showing  
6 of good cause, a temporary restraining order or injunction, issued  
7 under this section may include other named family or household  
8 members who reside with the plaintiff. A

9 (e) A request for the issuance of a temporary restraining order  
10 without notice under this section shall be granted or denied on the  
11 same day that the petition is submitted to the court, unless the  
12 petition is filed too late in the day to permit effective review, in  
13 which case the order shall be granted or denied on the next day  
14 of judicial business in sufficient time for the order to be filed that  
15 day with the clerk of the court.

16 (f) A temporary restraining order issued under this section shall  
17 remain in effect, at the court's discretion, for a period not to exceed  
18 ~~15~~ 21 days, or, if the court extends the time for hearing under  
19 subdivision ~~(d)~~ (g), not to exceed ~~22~~ 25 days, unless otherwise  
20 modified or terminated by the court.

21 ~~(d)~~  
22 (g) Within ~~15~~ 21 days, or, if good cause appears to the court,  
23 ~~22~~ 25 days from the date the temporary restraining that a petition  
24 for a temporary order is issued granted or denied, a hearing shall  
25 be held on the petition for the injunction. ~~The defendant~~ If no  
26 request for temporary orders is made, the hearing shall be held  
27 within 21 days, or, if good cause appears to the court, 25 days,  
28 from the date that the petition is filed.

29 (h) The respondent may file a response that explains, excuses,  
30 justifies, or denies the alleged harassment or may file a  
31 cross-complaint cross-petition under this section. At

32 (i) At the hearing, the judge shall receive any testimony that is  
33 relevant, and may make an independent inquiry. If the judge finds  
34 by clear and convincing evidence that unlawful harassment exists,  
35 an injunction shall issue prohibiting the harassment. An injunction  
36 issued pursuant to this section shall have a duration of not more  
37 than three years. At any time within the three months before the  
38 expiration of the injunction, the plaintiff may apply for a renewal  
39 of the injunction by filing a new petition for an injunction under  
40 this section.

(j) (1) *In the discretion of the court, an order issued after notice and hearing under this section may have a duration of not more than three years, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. These orders may be renewed, upon the request of a party, for a duration of not more than three years, without a showing of any further harassment since the issuance of the original order, subject to termination or modification by further order of the court either on written stipulation filed with the court or on the motion of a party. The request for renewal may be brought at any time within the three months before the expiration of the order.*

(2) *The failure to state the expiration date on the face of the form creates an order with a duration of three years from the date of issuance.*

(e)

(k) This section does not preclude either party from representation by private counsel or from appearing on the party's own behalf.

(f)

(l) In a proceeding under this section if there are allegations of unlawful violence or credible threats of domestic violence, a support person may accompany a party in court and, if the party is not represented by an attorney, may sit with the party at the table that is generally reserved for the party and the party's attorney. The support person is present to provide moral and emotional support for a person who alleges he or she is a victim of domestic violence. The support person is not present as a legal adviser and may not provide legal advice. The support person may assist the person who alleges he or she is a victim of domestic violence in feeling more confident that he or she will not be injured or threatened by the other party during the proceedings if the person who alleges he or she is a victim of domestic violence and the other party are required to be present in close proximity. This subdivision does not preclude the court from exercising its discretion to remove the support person from the courtroom if the court believes the support person is prompting, swaying, or influencing the party assisted by the support person.

(g)

1 (m) Upon the filing of a petition for an injunction under this  
2 section, the ~~defendant~~ *respondent* shall be personally served with  
3 a copy of the petition, temporary restraining order, if any, and  
4 notice of hearing of the petition. Service shall be made at least five  
5 days before the hearing. The court may for good cause, on motion  
6 of the ~~plaintiff~~ *petitioner* or on its own motion, shorten the time  
7 for service on the ~~defendant~~ *respondent*.

8 (n) A notice of hearing under this section shall notify the  
9 respondent that if he or she does not attend the hearing, the court  
10 may make orders against him or her that could last up to three  
11 years.

12 (o) (1) The court may, upon the filing of a declaration by the  
13 petitioner that the respondent could not be served within the time  
14 required by statute, reissue an order previously issued and  
15 dissolved by the court for failure to serve the respondent. The  
16 reissued order shall remain in effect until the date set for the  
17 hearing.

18 (2) The reissued order shall state on its face the date of  
19 expiration of the order.

20 (p) (1) If a respondent, named in a restraining order issued  
21 after a hearing, has not been served personally with the order but  
22 has received actual notice of the existence and substance of the  
23 order through personal appearance in court to hear the terms of  
24 the order from the court, no additional proof of service is required  
25 for enforcement of the order.

26 (2) If the respondent named in a temporary restraining order  
27 is personally served with the order and notice of hearing with  
28 respect to a restraining order or protective order based on the  
29 temporary restraining order, but the respondent does not appear  
30 at the hearing, either personally or by an attorney, and the terms  
31 and conditions of the restraining order or protective order issued  
32 at the hearing are identical to the temporary restraining order,  
33 except for the duration of the order, then the restraining order or  
34 protective order issued at the hearing may be served on the  
35 respondent by first-class mail sent to the respondent at the most  
36 current address for the respondent available to the court.

37 (3) The Judicial Council form for temporary orders issued  
38 pursuant to this subdivision shall contain a statement in  
39 substantially the following form:  
40

1     *“If you have been personally served with this temporary*  
2 *restraining order and notice of hearing, but you do not appear at*  
3 *the hearing either in person or by a lawyer, and a restraining*  
4 *order that is the same as this temporary restraining order except*  
5 *for the expiration date is issued at the hearing, a copy of the*  
6 *restraining order will be served on you by mail at the following*  
7 *address: \_\_\_\_.*

8     *If that address is not correct or you wish to verify that the*  
9 *temporary restraining order was converted to a restraining order*  
10 *at the hearing without substantive change and to find out the*  
11 *duration of that order, contact the clerk of the court.”*  
12

13     *(q) (1) Information on any temporary restraining order or*  
14 *injunction relating to civil harassment issued by a court pursuant*  
15 *to this section shall be transmitted to the Department of Justice in*  
16 *accordance with either paragraph (2) or (3).*

17     ~~(h)~~  
18     (2) The court shall order the ~~plaintiff~~ petitioner or the attorney  
19 for the ~~plaintiff~~ petitioner to deliver a copy of ~~each temporary~~  
20 ~~restraining order or injunction, or modification or termination~~  
21 ~~thereof, granted under this section~~ an order issued under this  
22 section, or reissuance, extension, modification, or termination of  
23 the order, and any subsequent proof of service, by the close of the  
24 business day on which the order ~~was granted, to the law~~  
25 ~~enforcement agencies within the court’s discretion as are requested~~  
26 ~~by the plaintiff. Each, reissuance, extension, modification, or~~  
27 ~~termination was made, to a law enforcement agency having~~  
28 ~~jurisdiction over the residence of the petitioner and to any~~  
29 ~~additional law enforcement agencies within the court’s discretion~~  
30 ~~as are requested by the petitioner.~~

31     (3) Alternatively, the court or its designee shall transmit, within  
32 one business day, to law enforcement personnel all information  
33 required under subdivision (b) of Section 6380 of the Family Code  
34 regarding any order issued under this section, or a reissuance,  
35 extension, modification, or termination of the order, and any  
36 subsequent proof of service, by either one of the following methods:

37     (A) Transmitting a physical copy of the order or proof of service  
38 to a local law enforcement agency authorized by the Department  
39 of Justice to enter orders into the California Law Enforcement  
40 Telecommunications System (CLETS).



1 (B) With the approval of the Department of Justice, entering  
2 the order or proof of service into CLETS directly.

3 (4) Each appropriate law enforcement agency shall make  
4 available information as to the existence and current status of these  
5 orders to law enforcement officers responding to the scene of  
6 reported harassment.

7 ~~An~~

8 (5) An order issued under this section shall, on request of the  
9 ~~plaintiff petitioner~~, be served on the ~~defendant respondent~~, whether  
10 or not the ~~defendant respondent~~ has been taken into custody, by  
11 any law enforcement officer who is present at the scene of reported  
12 harassment involving the parties to the proceeding. The ~~plaintiff~~  
13 ~~petitioner~~ shall provide the officer with an endorsed copy of the  
14 order and a proof of service that the officer shall complete and  
15 send to the issuing court.

16 ~~Upon~~

17 (6) Upon receiving information at the scene of an incident of  
18 harassment that a protective order has been issued under this  
19 section, or that a person who has been taken into custody is the  
20 subject of an order, if the protected person cannot produce a  
21 certified copy of the order, a law enforcement officer shall  
22 immediately attempt to verify the existence of the order.

23 ~~If~~

24 (7) If the law enforcement officer determines that a protective  
25 order has been issued, but not served, the officer shall immediately  
26 notify the ~~defendant respondent~~ of the terms of the order and shall  
27 at that time also enforce the order. Verbal notice of the terms of  
28 the order shall constitute service of the order and is sufficient notice  
29 for the purposes of this section and for the purposes of Section  
30 273.6 and subdivision (g) of Section 12021 of the Penal Code.

31 ~~(i)~~

32 (r) The prevailing party in any action brought under this section  
33 may be awarded court costs and attorney's fees, if any.

34 ~~(j)~~

35 (s) Any willful disobedience of any temporary restraining order  
36 or injunction granted under this section is punishable pursuant to  
37 Section 273.6 of the Penal Code.

38 ~~(k)~~

39 (t) (1) A person subject to a protective order issued under this  
40 section shall not own, possess, purchase, receive, or attempt to

1 purchase or receive a firearm *or ammunition* while the protective  
2 order is in effect.

3 (2) The court shall order a person subject to a protective order  
4 issued under this section to relinquish any firearms he or she owns  
5 or possesses pursuant to Section 527.9.

6 (3) Every person who owns, possesses, purchases or receives,  
7 or attempts to purchase or receive a firearm *or ammunition* while  
8 the protective order is in effect is punishable pursuant to  
9 subdivision (g) of Section 12021 of the Penal Code.

10 ~~(t)~~

11 (u) This section does not apply to any action or proceeding  
12 covered by Title 1.6C (commencing with Section 1788) of the  
13 Civil Code or by Division 10 (commencing with Section 6200) of  
14 the Family Code. This section does not preclude a ~~plaintiff~~  
15 *petitioner* from using other existing civil remedies.

16 ~~(m)~~

17 (v) (1) The Judicial Council shall ~~promulgate~~ *develop* forms  
18 ~~and, instructions therefor, and rules for service of process,~~  
19 ~~scheduling of hearings, and any other relating to matters required~~  
20 *governed* by this section. The petition and response forms shall be  
21 simple and concise, and their use by parties in actions brought  
22 pursuant to this section shall be mandatory.

23 ~~(n)~~

24 (2) A temporary restraining order or injunction relating to *civil*  
25 ~~harassment or domestic violence~~ issued by a court pursuant to this  
26 section shall be issued on forms adopted by the Judicial Council  
27 of California and that have been approved by the Department of  
28 Justice pursuant to subdivision (i) of Section 6380 of the Family  
29 Code. However, the fact that an order issued by a court pursuant  
30 to this section was not issued on forms adopted by the Judicial  
31 Council and approved by the Department of Justice shall not, in  
32 and of itself, make the order unenforceable.

33 ~~(e) Information on any temporary restraining order or injunction~~  
34 ~~relating to harassment or domestic violence issued by a court~~  
35 ~~pursuant to this section shall be transmitted to the Department of~~  
36 ~~Justice in accordance with subdivision (b) of Section 6380 of the~~  
37 ~~Family Code.~~

38 ~~(p)~~

39 (w) There is no filing fee for a petition that alleges that a person  
40 has inflicted or threatened violence against the petitioner, or stalked

1 the petitioner, or acted or spoken in any other manner that has  
2 placed the petitioner in reasonable fear of violence, and that seeks  
3 a protective or restraining order or injunction restraining stalking  
4 or future violence or threats of violence, in any action brought  
5 pursuant to this section. No fee shall be paid for a subpoena filed  
6 in connection with a petition alleging these acts. No fee shall be  
7 paid for filing a response to a petition alleging these acts.

8 ~~(q)~~

9 (x) (1) Subject to paragraph (4) of subdivision (b) of Section  
10 6103.2 of the Government Code, there shall be no fee for the  
11 service of process *by a sheriff or marshal* of a protective order,  
12 restraining order, or injunction to be issued, if ~~any~~ *either* of the  
13 following conditions apply:

14 (A) The protective order, restraining order, or injunction issued  
15 pursuant to this section is based upon stalking, as prohibited by  
16 Section 646.9 of the Penal Code.

17 (B) The protective order, restraining order, or injunction issued  
18 pursuant to this section is based upon *unlawful violence* or a  
19 credible threat of violence.

20 ~~(C) The protective order, restraining order, or injunction is~~  
21 ~~issued pursuant to Section 6222 of the Family Code.~~

22 (2) The Judicial Council shall prepare and develop ~~application~~  
23 ~~forms for applicants~~ *persons* who wish to avail themselves of the  
24 services described in this subdivision.

25 *SEC. 2. Section 527.8 of the Code of Civil Procedure is*  
26 *amended to read:*

27 527.8. (a) Any employer, whose employee has suffered  
28 unlawful violence or a credible threat of violence from any  
29 individual, that can reasonably be construed to be carried out or  
30 to have been carried out at the workplace, may seek a temporary  
31 restraining order and an injunction on behalf of the employee and,  
32 at the discretion of the court, any number of other employees at  
33 the workplace, and, if appropriate, other employees at other  
34 workplaces of the employer.

35 (b) For the purposes of this section:

36 ~~(1) "Unlawful violence" is any assault or battery, or stalking as~~  
37 ~~prohibited in Section 646.9 of the Penal Code, but shall not include~~  
38 ~~lawful acts of self-defense or defense of others.~~

39 ~~(2) "Credible threat of violence" is a knowing and willful~~  
40 ~~statement or course of conduct that would place a reasonable person~~

1 in fear for his or her safety, or the safety of his or her immediate  
2 family, and that serves no legitimate purpose.

3 (3)

4 (1) “Course of conduct” is a pattern of conduct composed of a  
5 series of acts over a period of time, however short, evidencing a  
6 continuity of purpose, including following or stalking an employee  
7 to or from the place of work; entering the workplace; following  
8 an employee during hours of employment; making telephone calls  
9 to an employee; or sending correspondence to an employee by any  
10 means, including, but not limited to, the use of the public or private  
11 mails, interoffice mail, fax, or computer e-mail.

12 (2) “Credible threat of violence” is a knowing and willful  
13 statement or course of conduct that would place a reasonable  
14 person in fear for his or her safety, or the safety of his or her  
15 immediate family, and that serves no legitimate purpose.

16 (3) “Employer” and “employee” mean persons defined in  
17 Section 350 of the Labor Code. “Employer” also includes a federal  
18 agency, the state, a state agency, a city, county, or district, and a  
19 private, public, or quasi-public corporation, or any public agency  
20 thereof or therein. “Employee” also includes the members of  
21 boards of directors of private, public, and quasi-public  
22 corporations and elected and appointed public officers. For  
23 purposes of this section only, “employee” also includes a volunteer  
24 or independent contractor who performs services for the employer  
25 at the employer’s worksite.

26 (4) “Petitioner” means the employer that petitions under  
27 subdivision (a) for a temporary restraining order and injunction.

28 (5) “Respondent” means the person against whom the temporary  
29 restraining order and injunction are sought and, if the petition is  
30 granted, the restrained person.

31 (6) “Temporary restraining order” and “injunction” mean  
32 orders that include any of the following restraining orders, whether  
33 issued ex parte or after notice and hearing:

34 (A) An order enjoining a party from harassing, intimidating,  
35 molesting, attacking, striking, stalking, threatening, sexually  
36 assaulting, battering, abusing, telephoning, including, but not  
37 limited to, making annoying telephone calls as described in Section  
38 653m of the Penal Code, destroying personal property, contacting,  
39 either directly or indirectly, by mail or otherwise, or coming within  
40 a specified distance of, or disturbing the peace of the employee.

1     (B) *An order enjoining a party from specified behavior that the*  
2 *court determines is necessary to effectuate orders described in*  
3 *subparagraph (A).*

4     (7) *“Unlawful violence” is any assault or battery, or stalking*  
5 *as prohibited in Section 646.9 of the Penal Code, but shall not*  
6 *include lawful acts of self-defense or defense of others.*

7     (c) This section does not permit a court to issue a temporary  
8 restraining order or injunction prohibiting speech or other activities  
9 that are constitutionally protected, or otherwise protected by  
10 Section 527.3 or any other provision of law.

11     ~~(d) For purposes of this section, the terms “employer” and~~  
12 ~~“employee” mean persons defined in Section 350 of the Labor~~  
13 ~~Code. “Employer” also includes a federal agency, the state, a state~~  
14 ~~agency, a city, county, or district, and a private, public, or~~  
15 ~~quasi-public corporation, or any public agency thereof or therein.~~  
16 ~~“Employee” also includes the members of boards of directors of~~  
17 ~~private, public, and quasi-public corporations and elected and~~  
18 ~~appointed public officers. For purposes of this section only,~~  
19 ~~“employee” also includes a volunteer or independent contractor~~  
20 ~~who performs services for the employer at the employer’s worksite.~~

21     ~~(d) In the discretion of the court, on a showing of good cause,~~  
22 ~~a temporary restraining order or injunction issued under this~~  
23 ~~section may include other named family or household members,~~  
24 ~~or other persons employed at the employee’s workplace or~~  
25 ~~workplaces.~~

26     (e) Upon filing a petition for an injunction under this section,  
27 ~~the plaintiff petitioner~~ may obtain a temporary restraining order  
28 in accordance with subdivision (a) of Section 527, if ~~the plaintiff~~  
29 ~~petitioner~~ also files ~~an affidavit~~ *a declaration* that, to the  
30 satisfaction of the court, shows reasonable proof that an employee  
31 has suffered unlawful violence or a credible threat of violence by  
32 ~~the defendant respondent~~, and that great or irreparable harm would  
33 result to an employee. ~~In the discretion of the court, and on a~~  
34 ~~showing of good cause, a temporary restraining order or injunction~~  
35 ~~issued under this section may include other named family or~~  
36 ~~household members who reside with the employee, or other persons~~  
37 ~~employed at his or her workplace or workplaces. The temporary~~  
38 ~~restraining order may include any of the protective orders~~  
39 ~~described in paragraph (6) of subdivision (b).~~

1 (f) A request for the issuance of a temporary restraining order  
2 without notice under this section shall be granted or denied on the  
3 same day that the petition is submitted to the court, unless the  
4 petition is filed too late in the day to permit effective review, in  
5 which case the order shall be granted or denied on the next day  
6 of judicial business in sufficient time for the order to be filed that  
7 day with the clerk of the court.

8 **A**

9 (g) A temporary restraining order granted under this section  
10 shall remain in effect, at the court's discretion, for a period not to  
11 exceed ~~15~~ 21 days, ~~or if the court extends the time for hearing~~  
12 ~~under subdivision (h), not to exceed 25 days~~, unless otherwise  
13 modified or terminated by the court.

14 ~~(f)~~

15 ~~(h) Within 15 21 days of the filing of the petition, or if good~~  
16 ~~cause appears to the court, 25 days from the date that a petition~~  
17 ~~for a temporary order is granted or denied, a hearing shall be held~~  
18 ~~on the petition for the injunction. The defendant If no request for~~  
19 ~~temporary orders is made, the hearing shall be held within 21~~  
20 ~~days, or, if good cause appears to the court, 25 days, from the date~~  
21 ~~that the petition is filed.~~

22 (i) The respondent may file a response that explains, excuses,  
23 justifies, or denies the alleged unlawful violence or credible threats  
24 of violence ~~or may file a cross-complaint under this section. At.~~

25 (j) At the hearing, the judge shall receive any testimony that is  
26 relevant and may make an independent inquiry. Moreover, if the  
27 ~~defendant~~ respondent is a current employee of the entity requesting  
28 the injunction, the judge shall receive evidence concerning the  
29 employer's decision to retain, terminate, or otherwise discipline  
30 the ~~defendant~~ respondent. If the judge finds by clear and  
31 convincing evidence that the ~~defendant~~ respondent engaged in  
32 unlawful violence or made a credible threat of violence, an  
33 injunction shall issue prohibiting further unlawful violence or  
34 threats of violence. ~~An injunction issued pursuant to this section~~  
35 ~~shall have a duration of not more than three years. At any time~~  
36 ~~within the three months before the expiration of the injunction,~~  
37 ~~the plaintiff may apply for a renewal of the injunction by filing a~~  
38 ~~new petition for an injunction under this section.~~

39 (k) (1) In the discretion of the court, an order issued after notice  
40 and hearing under this section may have a duration of not more

1 *than three years, subject to termination or modification by further*  
2 *order of the court either on written stipulation filed with the court*  
3 *or on the motion of a party. These orders may be renewed, upon*  
4 *the request of a party, for a duration of not more than three years,*  
5 *without a showing of any further violence or threats of violence*  
6 *since the issuance of the original order, subject to termination or*  
7 *modification by further order of the court either on written*  
8 *stipulation filed with the court or on the motion of a party. The*  
9 *request for renewal may be brought at any time within the three*  
10 *months before the expiration of the order.*

11 *(2) The failure to state the expiration date on the face of the*  
12 *form creates an order with a duration of three years from the date*  
13 *of issuance.*

14 ~~(g)~~  
15 *(l) This section does not preclude either party from*  
16 *representation by private counsel or from appearing on his or her*  
17 *own behalf.*

18 ~~(h)~~  
19 *(m) Upon filing of a petition for an injunction under this section,*  
20 *the ~~defendant~~ respondent shall be personally served with a copy*  
21 *of the petition, temporary restraining order, if any, and notice of*  
22 *hearing of the petition. Service shall be made at least five days*  
23 *before the hearing. The court may, for good cause, on motion of*  
24 *the ~~plaintiff~~ petitioner or on its own motion, shorten the time for*  
25 *service on the ~~defendant~~ respondent.*

26 *(n) A notice of hearing under this section shall notify the*  
27 *respondent that, if he or she does not attend the hearing, the court*  
28 *may make orders against him or her that could last up to three*  
29 *years.*

30 *(o) (1) The court may, upon the filing of a declaration by the*  
31 *petitioner that the respondent could not be served within the time*  
32 *required by statute, reissue an order previously issued and*  
33 *dissolved by the court for failure to serve the respondent. The*  
34 *reissued order shall remain in effect until the date set for the*  
35 *hearing.*

36 *(2) The reissued order shall state on its face the date of*  
37 *expiration of the order.*

38 *(p) (1) If a respondent, named in a restraining order issued*  
39 *under this section after a hearing, has not been served personally*  
40 *with the order but has received actual notice of the existence and*

1 *substance of the order through personal appearance in court to*  
2 *hear the terms of the order from the court, no additional proof of*  
3 *service is required for enforcement of the order.*

4 *(2) If the respondent named in a temporary restraining order*  
5 *is personally served with the order and notice of hearing with*  
6 *respect to a restraining order or protective order based on the*  
7 *temporary restraining order, but the person does not appear at*  
8 *the hearing, either personally or by an attorney, and the terms and*  
9 *conditions of the restraining order or protective order issued at*  
10 *the hearing are identical to the temporary restraining order, except*  
11 *for the duration of the order, then the restraining order or*  
12 *protective order issued at the hearing may be served on the person*  
13 *by first-class mail sent to that person at the most current address*  
14 *for the person available to the court.*

15 *(3) The Judicial Council form for temporary orders issued*  
16 *pursuant to this subdivision shall contain a statement in*  
17 *substantially the following form:*

18  
19 *“If you have been personally served with this temporary*  
20 *restraining order and notice of hearing, but you do not appear at*  
21 *the hearing either in person or by a lawyer, and a restraining*  
22 *order that is the same as this restraining order except for the*  
23 *expiration date is issued at the hearing, a copy of the order will*  
24 *be served on you by mail at the following address: \_\_\_\_.*

25 *If that address is not correct or you wish to verify that the*  
26 *temporary restraining order was converted to a restraining order*  
27 *at the hearing without substantive change and to find out the*  
28 *duration of that order, contact the clerk of the court.”*

29  
30 *(q) (1) Information on any temporary restraining order or*  
31 *injunction relating to workplace violence issued by a court*  
32 *pursuant to this section shall be transmitted to the Department of*  
33 *Justice in accordance with either paragraph (2) or (3).*

34 ~~(i) (1)~~

35 *(2) The court shall order the plaintiff petitioner or the attorney*  
36 *for the plaintiff petitioner to deliver a copy of each temporary*  
37 *restraining order or injunction, or modification or termination*  
38 *thereof, granted under this section any order issued under this*  
39 *section, or a reissuance, extension, modification, or termination*  
40 *of the order, and any subsequent proof of service, by the close of*



1 the business day on which the order ~~was granted, to the law~~  
2 ~~enforcement agencies within the court's discretion as are requested~~  
3 ~~by the plaintiff. Each, reissuance, extension, modification, or~~  
4 ~~termination was made, to each law enforcement agency having~~  
5 ~~jurisdiction over the residence of the petitioner and to any~~  
6 ~~additional law enforcement agencies within the court's discretion~~  
7 ~~as are requested by the petitioner.~~

8 (3) *Alternatively, the court or its designee shall transmit, within*  
9 *one business day, to law enforcement personnel all information*  
10 *required under subdivision (b) of Section 6380 of the Family Code*  
11 *regarding any order issued under this section, or a reissuance,*  
12 *extension, modification, or termination of the order, and any*  
13 *subsequent proof of service, by either one of the following methods:*

14 (A) *Transmitting a physical copy of the order or proof of service*  
15 *to a local law enforcement agency authorized by the Department*  
16 *of Justice to enter orders into the California Law Enforcement*  
17 *Telecommunications System (CLETS).*

18 (B) *With the approval of the Department of Justice, entering*  
19 *the order or proof of service into CLETS directly.*

20 (4) *Each appropriate law enforcement agency shall make*  
21 *available information as to the existence and current status of these*  
22 *orders to law enforcement officers responding to the scene of*  
23 *reported unlawful violence or a credible threat of violence.*

24 ~~(2)~~

25 (5) *At the request of the ~~plaintiff~~ petitioner, an order issued*  
26 *under this section shall be served on the ~~defendant~~ respondent,*  
27 *regardless of whether the ~~defendant~~ respondent has been taken*  
28 *into custody, by any law enforcement officer who is present at the*  
29 *scene of reported unlawful violence or a credible threat of violence*  
30 *involving the parties to the proceedings. The ~~plaintiff~~ petitioner*  
31 *shall provide the officer with an endorsed copy of the order and*  
32 *proof of service that the officer shall complete and send to the*  
33 *issuing court.*

34 ~~(3)~~

35 (6) *Upon receiving information at the scene of an incident of*  
36 *unlawful violence or a credible threat of violence that a protective*  
37 *order has been issued under this section, or that a person who has*  
38 *been taken into custody is the subject of an order, if the ~~plaintiff~~*  
39 *petitioner or the protected person cannot produce an endorsed copy*

1 of the order, a law enforcement officer shall immediately attempt  
2 to verify the existence of the order.

3 ~~(4)~~

4 (7) If the law enforcement officer determines that a protective  
5 order has been issued, but not served, the officer shall immediately  
6 notify the ~~defendant~~ *respondent* of the terms of the order and obtain  
7 the ~~defendant's~~ *respondent's* address. The law enforcement officer  
8 shall at that time also enforce the order, but may not arrest or take  
9 the ~~defendant~~ *respondent* into custody for acts in violation of the  
10 order that were committed prior to the verbal notice of the terms  
11 and conditions of the order. The law enforcement officer's verbal  
12 notice of the terms of the order shall constitute service of the order  
13 and constitutes sufficient notice for the purposes of this section  
14 and for the purposes of Section 273.6 and subdivision (g) of Section  
15 12021 of the Penal Code. The ~~plaintiff~~ *petitioner* shall mail an  
16 endorsed copy of the order to the ~~defendant's~~ *respondent's* mailing  
17 address provided to the law enforcement officer within one  
18 business day of the reported incident of unlawful violence or a  
19 credible threat of violence at which a verbal notice of the terms of  
20 the order was provided by a law enforcement officer.

21 ~~(j)~~

22 (r) (1) A person subject to a protective order issued under this  
23 section shall not own, possess, purchase, receive, or attempt to  
24 purchase or receive a firearm *or ammunition* while the protective  
25 order is in effect.

26 (2) The court shall order a person subject to a protective order  
27 issued under this section to relinquish any firearms he or she owns  
28 or possesses pursuant to Section 527.9.

29 (3) Every person who owns, possesses, purchases or receives,  
30 or attempts to purchase or receive a firearm *or ammunition* while  
31 the protective order is in effect is punishable pursuant to  
32 subdivision (g) of Section 12021 of the Penal Code.

33 ~~(k)~~

34 (s) Any intentional disobedience of any temporary restraining  
35 order or injunction granted under this section is punishable pursuant  
36 to Section 273.6 of the Penal Code.

37 ~~(t)~~

38 (t) Nothing in this section may be construed as expanding,  
39 diminishing, altering, or modifying the duty, if any, of an employer  
40 to provide a safe workplace for employees and other persons.

~~(m)~~

(u) (1) The Judicial Council shall develop forms, instructions, and rules for ~~scheduling of hearings and other procedures established pursuant to~~ *relating to matters governed by* this section. The forms for the petition and response shall be simple and concise, and their use by parties in actions brought pursuant to this section shall be mandatory.

~~(n)~~

(2) A temporary restraining order or injunction relating to ~~harassment or domestic unlawful violence or a credible threat of~~ violence issued by a court pursuant to this section shall be issued on forms adopted by the Judicial Council of California and that have been approved by the Department of Justice pursuant to subdivision (i) of Section 6380 of the Family Code. However, the fact that an order issued by a court pursuant to this section was not issued on forms adopted by the Judicial Council and approved by the Department of Justice shall not, in and of itself, make the order unenforceable.

~~(o) Information on any temporary restraining order or injunction relating to harassment or domestic violence issued by a court pursuant to this section shall be transmitted to the Department of Justice in accordance with subdivision (b) of Section 6380 of the Family Code.~~

~~(p)~~

(v) There is no filing fee for a petition that alleges that a person has inflicted or threatened violence against an employee of the petitioner, or stalked the employee, or acted or spoken in any other manner that has placed the employee in reasonable fear of violence, and that seeks a protective or restraining order or injunction restraining stalking or future violence or threats of violence, in any action brought pursuant to this section. No fee shall be paid for a subpoena filed in connection with a petition alleging these acts. No fee shall be paid for filing a response to a petition alleging these acts.

~~(q)~~

(w) (1) Subject to paragraph (4) of subdivision (b) of Section 6103.2 of the Government Code, there shall be no fee for the service of process *by a sheriff or marshal* of a temporary restraining order or injunction to be issued pursuant to this section if either of the following conditions apply:

1 (A) The temporary restraining order or injunction issued  
2 pursuant to this section is based upon stalking, as prohibited by  
3 Section 646.9 of the Penal Code.

4 (B) The temporary restraining order or injunction issued  
5 pursuant to this section is based ~~upon~~ *on unlawful violence or a*  
6 *credible threat of violence.*

7 (2) The Judicial Council shall prepare and develop ~~application~~  
8 ~~forms for applicants~~ *persons* who wish to avail themselves of the  
9 services described in this subdivision.

10 *SEC. 3. Section 527.10 of the Code of Civil Procedure is*  
11 *amended to read:*

12 527.10. (a) The court shall order that any party enjoined  
13 pursuant to ~~Sections~~ *Section 527.6* ~~and, 527.8, or 527.85~~ be  
14 prohibited from taking any action to obtain the address or location  
15 of ~~a any protected party or a protected party's family members,~~  
16 ~~caretakers, or guardian person,~~ unless there is good cause not to  
17 make that order.

18 (b) The Judicial Council shall ~~promulgate~~ *develop* forms  
19 necessary to effectuate this section.

20 **SECTION 4.**

21 *SEC. 4. Section 527.11 is added to the Code of Civil Procedure,*  
22 *to read:*

23 527.11. (a) Notwithstanding any other provision of law, in the  
24 event that two or more restraining or protective orders, including  
25 emergency protective orders, are issued under this code, the Family  
26 Code, the Penal Code, or the Welfare and Institutions Code that  
27 satisfy all of the requirements set forth in subdivision (b), the orders  
28 shall be enforced in a manner that provides the greatest protection  
29 to the individuals protected under the orders and provides the most  
30 restrictions to the restrained party.

31 (b) (1) At least one of the protected individuals is identified in  
32 all of the orders.

33 (2) The restrained party is the same in all of the orders.

34 (3) The orders are in conflict.

35 *SEC. 5. Section 527.85 of the Code of Civil Procedure is*  
36 *amended to read:*

37 527.85. (a) Any chief administrative officer of a postsecondary  
38 educational institution, or an officer or employee designated by  
39 the chief administrative officer to maintain order on the school  
40 campus or facility, a student of which has suffered a credible threat

1 of violence made off the school campus or facility from any  
2 individual, which can reasonably be construed to be carried out or  
3 to have been carried out at the school campus or facility, may, with  
4 the written consent of the student, seek a temporary restraining  
5 order and an injunction, on behalf of the student and, at the  
6 discretion of the court, any number of other students at the campus  
7 or facility who are similarly situated.

8 (b) For the purposes of this section, the following definitions  
9 shall apply:

10 (1) “Chief administrative officer” means the principal, president,  
11 or highest ranking official of the postsecondary educational  
12 institution.

13 (2) “Course of conduct” means a pattern of conduct composed  
14 of a series of acts over a period of time, however short, evidencing  
15 a continuity of purpose, including any of the following:

16 (A) Following or stalking a student to or from school.

17 (B) Entering the school campus or facility.

18 (C) Following a student during school hours.

19 (D) Making telephone calls to a student.

20 (E) Sending correspondence to a student by any means,  
21 including, but not limited to, the use of the public or private mails,  
22 interoffice mail, fax, or computer e-mail.

23 (3) “Credible threat of violence” means a knowing and willful  
24 statement or course of conduct that would place a reasonable person  
25 in fear for his or her safety, or the safety of his or her immediate  
26 family, and that serves no legitimate purpose.

27 (4) “*Petitioner*” means the chief administrative officer, or his  
28 or her designee, who petitions under subdivision (a) for a  
29 temporary restraining order and injunction.

30 ~~(4)~~

31 (5) “Postsecondary educational institution” means a private  
32 institution of vocational, professional, or postsecondary education.

33 (6) “*Respondent*” means the person against whom the temporary  
34 restraining order and injunction are sought and, if the petition is  
35 granted, the restrained person.

36 ~~(5)~~

37 (7) “Student” means an adult currently enrolled in or applying  
38 for admission to a postsecondary educational institution.

(8) “Temporary restraining order” and “injunction” mean orders that include any of the following restraining orders, whether issued *ex parte*, or after notice and hearing:

(A) An order enjoining a party from harassing, intimidating, molesting, attacking, striking, stalking, threatening, sexually assaulting, battering, abusing, telephoning, including, but not limited to, making annoying telephone calls as described in Section 653m of the Penal Code, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, or coming within a specified distance of, or disturbing the peace of the student.

(B) An order enjoining a party from specified behavior that the court determines is necessary to effectuate orders described in subparagraph (A).

~~(6)~~

(9) “Unlawful violence” means any assault or battery, or stalking as prohibited in Section 646.9 of the Penal Code, but shall not include lawful acts of self-defense or defense of others.

(c) This section does not permit a court to issue a temporary restraining order or injunction prohibiting speech or other activities that are constitutionally protected, or otherwise protected by Section 527.3 or any other provision of law.

(d) In the discretion of the court, on a showing of good cause, a temporary restraining order or injunction issued under this section may include other named family or household members of the student, or other students at the campus or facility.

~~(d)~~

(e) Upon filing a petition for an injunction under this section, the ~~plaintiff~~ petitioner may obtain a temporary restraining order in accordance with subdivision (a) of Section 527, if the ~~plaintiff~~ petitioner also files ~~an affidavit~~ a declaration that, to the satisfaction of the court, shows reasonable proof that a student has suffered a credible threat of violence made off the school campus or facility by the ~~defendant~~ respondent, and that great or irreparable harm would result to the student. ~~In the discretion of the court, and on a showing of good cause, a temporary restraining order or injunction issued under this section may include other named family or household members who reside with the student, or other students at the campus or facility. A The temporary restraining order may include any of the protective orders described in paragraph (8) of subdivision (b).~~

1 (f) A request for the issuance of a temporary restraining order  
2 without notice under this section shall be granted or denied on the  
3 same day that the petition is submitted to the court, unless the  
4 petition is filed too late in the day to permit effective review, in  
5 which case the order shall be granted or denied on the next day  
6 of judicial business in sufficient time for the order to be filed that  
7 day with the clerk of the court.

8 (g) A temporary restraining order granted under this section  
9 shall remain in effect, at the court's discretion, for a period not to  
10 exceed ~~15~~ 21 days, ~~or if the court extends the time for hearing~~  
11 ~~under subdivision (h), not to exceed 25 days~~, unless otherwise  
12 modified or terminated by the court.

13 (e)

14 (h) ~~Within 15 21 days of the filing of the petition, or if good~~  
15 ~~cause appears to the court, within 25 days, from the date that a~~  
16 ~~petition for a temporary order is granted or denied, a hearing shall~~  
17 ~~be held on the petition for the injunction. The defendant If no~~  
18 ~~request for temporary orders is made, the hearing shall be held~~  
19 ~~within 21 days, or if good cause appears to the court, 25 days,~~  
20 ~~from the date the petition is filed.~~

21 (i) The respondent may file a response that explains, excuses,  
22 justifies, or denies the alleged credible threats of violence ~~or may~~  
23 ~~file a cross-complaint under this section. At~~.

24 (j) At the hearing, the judge shall receive any testimony that is  
25 relevant and may make an independent inquiry. Moreover, if the  
26 ~~defendant~~ respondent is a current student of the entity requesting  
27 the injunction, the judge shall receive evidence concerning the  
28 decision of the postsecondary educational institution decision to  
29 retain, terminate, or otherwise discipline the ~~defendant~~ respondent.  
30 If the judge finds by clear and convincing evidence that the  
31 ~~defendant~~ respondent made a credible threat of violence off the  
32 school campus or facility, an injunction shall be issued prohibiting  
33 further threats of violence. ~~An injunction issued pursuant to this~~  
34 ~~section shall have a duration of not more than three years. At any~~  
35 ~~time within three months before the expiration of the injunction,~~  
36 ~~the plaintiff may apply for a renewal of the injunction by filing a~~  
37 ~~new petition for an injunction under this section.~~

38 (k) (1) In the discretion of the court, an order issued after notice  
39 and hearing under this section may have a duration of not more  
40 than three years, subject to termination or modification by further

1 *order of the court either on written stipulation filed with the court*  
2 *or on the motion of a party. These orders may be renewed, upon*  
3 *the request of a party, for a duration of not more than three years,*  
4 *without a showing of any further violence or threats of violence*  
5 *since the issuance of the original order, subject to termination or*  
6 *modification by further order of the court either on written*  
7 *stipulation filed with the court or on the motion of a party. The*  
8 *request for renewal may be brought at any time within the three*  
9 *months before the expiration of the order.*

10 (2) *The failure to state the expiration date on the face of the*  
11 *form creates an order with a duration of three years from the date*  
12 *of issuance.*

13 (f)

14 (l) This section does not preclude either party from  
15 representation by private counsel or from appearing on his or her  
16 own behalf.

17 (g)

18 (m) Upon filing of a petition for an injunction under this section,  
19 ~~the defendant~~ *respondent* shall be personally served with a copy  
20 of the petition, temporary restraining order, if any, and notice of  
21 hearing of the petition. Service shall be made at least five days  
22 before the hearing. The court may, for good cause, on motion of  
23 ~~the plaintiff~~ *petitioner* or on its own motion, shorten the time for  
24 service on the ~~defendant~~ *respondent*.

25 (n) A notice of hearing under this section shall notify the  
26 *respondent* that if he or she does not attend the hearing, the court  
27 may make orders against him or her that could last up to three  
28 years.

29 (o) (1) The court may, upon the filing of a declaration by the  
30 *petitioner* that the *respondent* could not be served within the time  
31 required by statute, reissue an order previously issued and  
32 dissolved by the court for failure to serve the *respondent*. The  
33 reissued order shall remain in effect until the date set for the  
34 hearing.

35 (2) The reissued order shall state on its face the date of  
36 expiration of the order.

37 (p) (1) If a *respondent*, named in an order issued under this  
38 section after a hearing, has not been served personally with the  
39 order but has received actual notice of the existence and substance  
40 of the order through personal appearance in court to hear the



1 *terms of the order from the court, no additional proof of service*  
2 *is required for enforcement of the order.*

3 *(2) If the respondent named in a temporary restraining order*  
4 *is personally served with the order and notice of hearing with*  
5 *respect to a restraining order or protective order based on the*  
6 *temporary restraining order, but the respondent does not appear*  
7 *at the hearing, either personally or by an attorney, and the terms*  
8 *and conditions of the restraining order or protective order issued*  
9 *at the hearing are identical to the temporary restraining order,*  
10 *except for the duration of the order, then the restraining order or*  
11 *protective order issued at the hearing may be served on the*  
12 *respondent by first-class mail sent to that person at the most*  
13 *current address for the respondent available to the court.*

14 *(3) The Judicial Council form for temporary orders issued*  
15 *pursuant to this subdivision shall contain a statement in*  
16 *substantially the following form:*

17  
18 *“If you have been personally served with a temporary restraining*  
19 *order and notice of hearing, but you do not appear at the hearing*  
20 *either in person or by a lawyer, and a restraining order that is the*  
21 *same as this temporary restraining order except for the expiration*  
22 *date is issued at the hearing, a copy of the order will be served on*  
23 *you by mail at the following address:\_\_\_\_\_.*

24 *If that address is not correct or you wish to verify that the*  
25 *temporary restraining order was converted to a restraining order*  
26 *at the hearing without substantive change and to find out the*  
27 *duration of that order, contact the clerk of the court.”*

28  
29 *(q) (1) Information on any temporary restraining order or*  
30 *injunction relating to school site violence issued by a court*  
31 *pursuant to this section shall be transmitted to the Department of*  
32 *Justice in accordance with either paragraph (2) or (3).*

33 ~~(h) (1)~~

34 *(2) The court shall order the plaintiff petitioner or the attorney*  
35 *for the plaintiff petitioner to deliver a copy of each temporary*  
36 *restraining order or injunction, or modification or termination*  
37 *thereof, granted under this section any order issued under this*  
38 *section, or a reissuance, extension, modification, or termination*  
39 *of the order, and any subsequent proof of service, by the close of*  
40 *the business day on which the order, reissuance, or termination*

1 of the order; and any proof of service, was ~~granted~~ made, to the  
2 each law enforcement agency having jurisdiction over the  
3 residence of the petitioner and to any additional law enforcement  
4 agencies within the court's discretion as are requested by the  
5 plaintiff. Each petitioner.

6 (3) Alternatively, the court or its designee shall transmit, within  
7 one business day, to law enforcement personnel all information  
8 required under subdivision (b) of Section 6380 of the Family Code  
9 regarding any order issued under this section, or a reissuance,  
10 extension, modification, or termination of the order; and any  
11 subsequent proof of service, by either one of the following methods:

12 (A) Transmitting a physical copy of the order or proof of service  
13 to a local law enforcement agency authorized by the Department  
14 of Justice to enter orders into the California Law Enforcement  
15 Telecommunications System (CLETS).

16 (B) With the approval of the Department of Justice, entering  
17 the order of proof of service into CLETS directly.

18 (4) Each appropriate law enforcement agency shall make  
19 available information as to the existence and current status of these  
20 orders to law enforcement officers responding to the scene of  
21 reported unlawful violence or a credible threat of violence.

22 (2)

23 (5) At the request of the ~~plaintiff~~ petitioner, an order issued  
24 under this section shall be served on the ~~defendant~~ respondent,  
25 regardless of whether the ~~defendant~~ respondent has been taken  
26 into custody, by any law enforcement officer who is present at the  
27 scene of reported unlawful violence or a credible threat of violence  
28 involving the parties to the proceedings. The ~~plaintiff~~ petitioner  
29 shall provide the officer with an endorsed copy of the order and  
30 proof of service that the officer shall complete and send to the  
31 issuing court.

32 (3)

33 (6) Upon receiving information at the scene of an incident of  
34 unlawful violence or a credible threat of violence that a protective  
35 order has been issued under this section, or that a person who has  
36 been taken into custody is the subject of an order, if the ~~plaintiff~~  
37 petitioner or the protected person cannot produce an endorsed copy  
38 of the order, a law enforcement officer shall immediately attempt  
39 to verify the existence of the order.

40 (4)

(7) If the law enforcement officer determines that a protective order has been issued, but not served, the officer shall immediately notify the ~~defendant~~ *respondent* of the terms of the order and obtain the ~~defendant's~~ *respondent's* address. The law enforcement officer shall at that time also enforce the order, but may not arrest or take the ~~defendant~~ *respondent* into custody for acts in violation of the order that were committed prior to the verbal notice of the terms and conditions of the order. The law enforcement officer's verbal notice of the terms of the order shall constitute service of the order and constitutes sufficient notice for the purposes of this section, and Section 273.6 and subdivision (g) of Section 12021 of the Penal Code. The ~~plaintiff~~ *petitioner* shall mail an endorsed copy of the order to the ~~defendant's~~ *respondent's* mailing address provided to the law enforcement officer within one business day of the reported incident of unlawful violence or a credible threat of violence at which a verbal notice of the terms of the order was provided by a law enforcement officer.

~~(i)~~

(r) (1) A person subject to a protective order issued under this section shall not own, possess, purchase, receive, or attempt to purchase or receive a firearm *or ammunition* while the protective order is in effect.

(2) The court shall order a person subject to a protective order issued under this section to relinquish any firearms he or she owns or possesses pursuant to Section 527.9.

(3) Every person who owns, possesses, purchases, or receives, or attempts to purchase or receive a firearm *or ammunition* while the protective order is in effect is punishable pursuant to subdivision (g) of Section 12021 of the Penal Code.

~~(j)~~

(s) Any intentional disobedience of any temporary restraining order or injunction granted under this section is punishable pursuant to Section 273.6 of the Penal Code.

~~(k)~~

(t) Nothing in this section may be construed as expanding, diminishing, altering, or modifying the duty, if any, of a postsecondary educational institution to provide a safe environment for students and other persons.

~~(h)~~

1 (u) (1) The Judicial Council shall develop forms, instructions,  
2 and rules ~~for scheduling of hearings and other procedures~~  
3 ~~established pursuant to~~ *relating to matters governed by* this section.  
4 The forms for the petition and response shall be simple and concise,  
5 and their use by parties in actions brought pursuant to this section  
6 shall be mandatory.

7 ~~(m)~~

8 (2) A temporary restraining order or injunction relating to  
9 ~~harassment or domestic unlawful violence or a credible threat of~~  
10 violence issued by a court pursuant to this section shall be issued  
11 on forms adopted by the Judicial Council and that have been  
12 approved by the Department of Justice pursuant to subdivision (i)  
13 of Section 6380 of the Family Code. However, the fact that an  
14 order issued by a court pursuant to this section was not issued on  
15 forms adopted by the Judicial Council and approved by the  
16 Department of Justice shall not, in and of itself, make the order  
17 unenforceable.

18 ~~(n) Information on any temporary restraining order or injunction~~  
19 ~~relating to harassment or domestic violence issued by a court~~  
20 ~~pursuant to this section shall be transmitted to the Department of~~  
21 ~~Justice in accordance with subdivision (b) of Section 6380 of the~~  
22 ~~Family Code.~~

23 ~~(o)~~

24 (v) There is no filing fee for a petition that alleges that a person  
25 has threatened violence against a student of the petitioner, or  
26 stalked the student, or acted or spoken in any other manner that  
27 has placed the student in reasonable fear of violence, and that seeks  
28 a protective or restraining order or injunction restraining stalking  
29 or future threats of violence, in any action brought pursuant to this  
30 section. No fee shall be paid for a subpoena filed in connection  
31 with a petition alleging these acts. No fee shall be paid for filing  
32 a response to a petition alleging these acts.

33 ~~(p)~~

34 (w) (1) Subject to paragraph (4) of subdivision (b) of Section  
35 6103.2 of the Government Code, there shall be no fee for the  
36 service of process *by a sheriff or marshal* of a temporary restraining  
37 order or injunction to be issued pursuant to this section if either  
38 of the following conditions apply:

1 (A) The temporary restraining order or injunction issued  
2 pursuant to this section is based upon stalking, as prohibited by  
3 Section 646.9 of the Penal Code.

4 (B) The temporary restraining order or injunction issued  
5 pursuant to this section is based upon a credible threat of violence.

6 (2) The Judicial Council shall prepare and develop ~~application~~  
7 forms for ~~applicants~~ *persons* who wish to avail themselves of the  
8 services described in this subdivision.

9 *SEC. 6. Section 527.9 of the Code of Civil Procedure is*  
10 *amended to read:*

11 527.9. (a) A person subject to a temporary restraining order  
12 or injunction issued pursuant to Section 527.6 ~~or, 527.8 of the~~  
13 ~~Code of Civil Procedure, or 527.85~~ or subject to a restraining order  
14 issued pursuant to Section 136.2 of the Penal Code, or Section  
15 15657.03 of the Welfare and Institutions Code, shall relinquish  
16 the firearm pursuant to this section.

17 (b) Upon the issuance of a protective order *against a person*  
18 pursuant to subdivision (a), the court shall order ~~the~~ *that* person  
19 to relinquish any firearm in that person's immediate possession or  
20 control, or subject to that person's immediate possession or control,  
21 within 24 hours of being served with the order, either by  
22 surrendering the firearm to the control of local law enforcement  
23 officials, or by selling the firearm to a licensed gun dealer, as  
24 specified in Section 12071 of the Penal Code. A person ordered  
25 to relinquish any firearm pursuant to this subdivision shall file  
26 with the court a receipt showing the firearm was surrendered to  
27 the local law enforcement agency or sold to a licensed gun dealer  
28 within 48 hours after receiving the order. In the event that it is  
29 necessary to continue the date of any hearing due to a request for  
30 a relinquishment order pursuant to this section, the court shall  
31 ensure that all applicable protective orders described in Section  
32 6218 of the Family Code remain in effect or bifurcate the issues  
33 and grant the permanent restraining order pending the date of the  
34 hearing.

35 (c) A local law enforcement agency may charge the person  
36 subject to the order or injunction a fee for the storage of any firearm  
37 relinquished pursuant to this section. The fee shall not exceed the  
38 actual cost incurred by the local law enforcement agency for the  
39 storage of the firearm. For purposes of this subdivision, "actual  
40 cost" means expenses directly related to taking possession of a

1 firearm, storing the firearm, and surrendering possession of the  
2 firearm to a licensed dealer as defined in Section 12071 of the  
3 Penal Code or to the person relinquishing the firearm.

4 (d) The restraining order requiring a person to relinquish a  
5 firearm pursuant to subdivision (b) shall state on its face that the  
6 respondent is prohibited from owning, possessing, purchasing, or  
7 receiving a firearm while the protective order is in effect and that  
8 the firearm shall be relinquished to the local law enforcement  
9 agency for that jurisdiction or sold to a licensed gun dealer, and  
10 that proof of surrender or sale shall be filed with the court within  
11 a specified period of receipt of the order. The order shall also state  
12 on its face the expiration date for relinquishment. Nothing in this  
13 section shall limit a respondent's right under existing law to petition  
14 the court at a later date for modification of the order.

15 (e) The restraining order requiring a person to relinquish a  
16 firearm pursuant to subdivision (b) shall prohibit the person from  
17 possessing or controlling any firearm for the duration of the order.  
18 At the expiration of the order, the local law enforcement agency  
19 shall return possession of any surrendered firearm to the  
20 respondent, within five days after the expiration of the  
21 relinquishment order, unless the local law enforcement agency  
22 determines that (1) the firearm has been stolen, (2) the respondent  
23 is prohibited from possessing a firearm because the respondent is  
24 in any prohibited class for the possession of firearms, as defined  
25 in Sections 12021 and 12021.1 of the Penal Code and Sections  
26 8100 and 8103 of the Welfare and Institutions Code, or (3) another  
27 successive restraining order is ~~used~~ *issued* against the respondent  
28 under this section. If the local law enforcement agency determines  
29 that the respondent is the legal owner of any firearm deposited  
30 with the local law enforcement agency and is prohibited from  
31 possessing any firearm, the respondent shall be entitled to sell or  
32 transfer the firearm to a licensed dealer as defined in Section 12071  
33 of the Penal Code. If the firearm has been stolen, the firearm shall  
34 be restored to the lawful owner upon his or her identification of  
35 the firearm and proof of ownership.

36 (f) The court may, as part of the relinquishment order, grant an  
37 exemption from the relinquishment requirements of this section  
38 for a particular firearm if the respondent can show that a particular  
39 firearm is necessary as a condition of continued employment and  
40 that the current employer is unable to reassign the respondent to

1 another position where a firearm is unnecessary. If an exemption  
2 is granted pursuant to this subdivision, the order shall provide that  
3 the firearm shall be in the physical possession of the respondent  
4 only during scheduled work hours and during travel to and from  
5 his or her place of employment. In any case involving a peace  
6 officer who as a condition of employment and whose personal  
7 safety depends on the ability to carry a firearm, a court may allow  
8 the peace officer to continue to carry a firearm, either on duty or  
9 off duty, if the court finds by a preponderance of the evidence that  
10 the officer does not pose a threat of harm. Prior to making this  
11 finding, the court shall require a mandatory psychological  
12 evaluation of the peace officer and may require the peace officer  
13 to enter into counseling or other remedial treatment program to  
14 deal with any propensity for domestic violence.

15 (g) During the period of the relinquishment order, a respondent  
16 is entitled to make one sale of all firearms that are in the possession  
17 of a local law enforcement agency pursuant to this section. A  
18 licensed gun dealer, who presents a local law enforcement agency  
19 with a bill of sale indicating that all firearms owned by the  
20 respondent that are in the possession of the local law enforcement  
21 agency have been sold by the respondent to the licensed gun dealer,  
22 shall be given possession of those firearms, at the location where  
23 a respondent's firearms are stored, within five days of presenting  
24 the local law enforcement agency with a bill of sale.

25 *SEC. 7. Section 241 of the Family Code is amended to read:*

26 241. Except as provided in Section 6300, an order described  
27 in Section 240 may not be granted without notice to the respondent  
28 unless it appears from facts shown by the ~~affidavit~~ *declaration* in  
29 support of the ~~application~~ *petition* for the order, or in the  
30 ~~application~~ *petition* for the order, that great or irreparable injury  
31 would result to the ~~applicant~~ *petitioner* before the matter can be  
32 heard on notice.

33 *SEC. 8. Section 242 of the Family Code is amended to read:*

34 242. (a) ~~Except as provided in subdivision (b), if an order~~  
35 ~~described in Section 240 is issued, the matter shall be made~~  
36 ~~returnable on an order requiring cause to be shown why a~~  
37 ~~permanent order should not be granted, on the earliest day that the~~  
38 ~~business of the court will permit, but not later than 20 days or, if~~  
39 ~~good cause appears to the court, 25 days from the date of the order.~~  
40 *Within 21 days, or, if good cause appears to the court, 25 days*

1 *from the date that a temporary order is granted or denied, a*  
2 *hearing shall be held on the petition. If no request for temporary*  
3 *orders is made, the hearing shall be held within 21 days, or, if*  
4 *good cause appears to the court, 25 days from the date that the*  
5 *petition is filed.*

6 (b) If a hearing is not held within the time provided in  
7 subdivision (a), the court may nonetheless hear the matter, but the  
8 order is unenforceable unless reissued under Section 245.

9 *SEC. 9. Section 243 of the Family Code is amended to read:*

10 243. (a) When the matter first comes up for hearing, the  
11 applicant petitioner must be ready to proceed.

12 ~~(b) If an order described in Section 240 has been issued without~~  
13 ~~notice pending the hearing, the applicant must have served on the~~  
14 ~~respondent, at least five days before the hearing, a copy of each~~  
15 ~~of the following:~~

16 ~~(1) The order to show cause.~~

17 ~~(2) The application and the affidavits and points and authorities~~  
18 ~~in support of the application.~~

19 ~~(3) Any other supporting papers filed with the court.~~

20 ~~(c) If an order described in Section 240 has been issued with~~  
21 ~~notice pending the hearing, the applicant must have served on the~~  
22 ~~respondent the documents described in subdivision (b) at least 15~~  
23 ~~days before the hearing.~~

24 *(b) If a petition under this part has been filed, the respondent*  
25 *shall be personally served with a copy of the petition, the temporary*  
26 *order, if any, and the notice of hearing on the petition. Service*  
27 *shall be made at least five days before the hearing.*

28 ~~(d)~~

29 (c) If the applicant petitioner fails to comply with subdivision  
30 ~~(a) and either or subdivision (b) or (c),~~ the court shall dissolve the  
31 order.

32 ~~(e)~~

33 (d) If service is made under subdivision (b), the respondent may  
34 *file a response that explains, excuses, justifies, or denies the*  
35 *allegations in the petition. The respondent is entitled, as a matter*  
36 *of course, to one continuance for a reasonable period, to respond*  
37 *to the application petition for the order orders.*

38 ~~(f)~~



1 (e) On motion of the ~~applicant~~ *petitioner* or on its own motion,  
2 the court may shorten the time provided in this section for service  
3 on the respondent.

4 ~~(g) The respondent may, in response to the order to show cause,~~  
5 ~~present affidavits relating to the granting of the order, and if the~~  
6 ~~affidavits are served on the applicant~~

7 (f) *If the response is served on the petitioner* at least two days  
8 before the hearing, the ~~applicant~~ *petitioner* is not entitled to a  
9 continuance on account of the ~~affidavits~~ *response*.

10 SEC. 10. *Section 244 of the Family Code is amended to read:*

11 244. (a) On the day ~~upon which the order is made returnable,~~  
12 ~~of the hearing, the hearing on the petition~~ shall take precedence  
13 over all other matters on the calendar ~~of the that~~ day, except older  
14 matters of the same character, and matters to which special  
15 precedence may be given by law.

16 (b) ~~When the cause is at issue it~~ *The hearing on the petition*  
17 shall be set for trial at the earliest possible date and shall take  
18 precedence over all other ~~cases~~ *matters*, except older matters of  
19 the same character, and matters to which special precedence may  
20 be given by law.

21 SEC. 11. *Section 245 of the Family Code is amended to read:*

22 245. (a) The court may, upon the filing of ~~an affidavit a~~  
23 ~~declaration by the applicant petitioner~~ that the respondent could  
24 not be served within the time required by statute, reissue an order  
25 previously issued and dissolved by the court for failure to serve  
26 the respondent. *The reissued order shall remain in effect until the*  
27 *date set for hearing.*

28 (b) The reissued order shall state on its face the date of  
29 expiration of the order.

30 (c) No fee shall be charged for the reissuance of the order unless  
31 the order had been dissolved three times previously.

32 SEC. 12. *Section 246 of the Family Code is amended to read:*

33 246. ~~An ex parte~~ *A request for a temporary restraining order*  
34 *described in Section 240, issued without notice,* shall be ~~issued~~  
35 ~~granted~~ or denied on the same day that the ~~application~~ *petition* is  
36 submitted to the court, unless the ~~application~~ *petition* is filed too  
37 late in the day to permit effective review, in which case the order  
38 shall be ~~issued~~ *granted* or denied on the next day of judicial  
39 business in sufficient time for the order to be filed that day with  
40 the clerk of the court.

1     *SEC. 13. Section 6229 is added to the Family Code, to read:*

2     6229. A minor, under 12 years of age, accompanied by a duly  
3 appointed and acting guardian ad litem, shall be permitted to  
4 appear in court without counsel for the limited purpose of  
5 requesting or opposing a request for a temporary restraining order  
6 or injunction, or both, under this division as provided in Section  
7 374 of the Code of Civil Procedure.

8     *SEC. 14. Section 6302 of the Family Code is repealed.*

9     ~~6302. An order issued under this part shall set forth on its face~~  
10 ~~a notice in substantially the following form:~~

11     ~~“NOTICE TO RESTRAINED PERSON: If you do not appear~~  
12 ~~at the court hearing specified herein, the court may grant the~~  
13 ~~requested orders for a period of up to 3 years without further notice~~  
14 ~~to you.”~~

15     *SEC. 15. Section 6302 is added to the Family Code, to read:*

16     6302. A notice of hearing under this part shall notify the  
17 respondent that if he or she does not attend the hearing, the court  
18 may make orders against him or her that could last up to five years.

19     *SEC. 16. Section 6304 of the Family Code is amended to read:*

20     6304. When making a protective order, as defined in Section  
21 6218, where both parties are present in court, the court shall inform  
22 both the petitioner and the respondent of the terms of the order,  
23 including notice that the respondent is prohibited from owning,  
24 possessing, purchasing or receiving or attempting to own, possess,  
25 purchase or receive a firearm or ammunition, and including notice  
26 of the penalty for violation.

27     *SEC. 17. Section 6320 of the Family Code is amended to read:*

28     6320. (a) The court may issue an ex parte order enjoining a  
29 party from molesting, attacking, striking, stalking, threatening,  
30 sexually assaulting, battering, harassing, telephoning, including,  
31 but not limited to, *making* annoying telephone calls as described  
32 in Section 653m of the Penal Code, destroying personal property,  
33 contacting, either directly or indirectly, by mail or otherwise,  
34 coming within a specified distance of, or disturbing the peace of  
35 the other party, and, in the discretion of the court, on a showing  
36 of good cause, of other named family or household members.

37     (b) On a showing of good cause, the court may include in a  
38 protective order a grant to the petitioner of the exclusive care,  
39 possession, or control of any animal owned, possessed, leased,  
40 kept, or held by either the petitioner or the respondent or a minor

1 child residing in the residence or household of either the petitioner  
2 or the respondent. The court may order the respondent to stay away  
3 from the animal and forbid the respondent from taking, transferring,  
4 encumbering, concealing, molesting, attacking, striking,  
5 threatening, harming, or otherwise disposing of the animal.

6 ~~(e) On or before July 1, 2009, the Judicial Council shall modify~~  
7 ~~the criminal and civil court forms consistent with this section.~~

8 *SEC. 18. Section 6320.5 of the Family Code is amended to*  
9 *read:*

10 6320.5. (a) An order denying a petition for an ex parte order  
11 pursuant to Section 6320 shall include the reasons for denying the  
12 petition.

13 (b) An order denying a jurisdictionally adequate petition for an  
14 ex parte order, pursuant to Section 6320, shall provide the petitioner  
15 the right to a noticed hearing on the earliest date that the business  
16 of the court will permit, but not later than ~~20~~ 21 days or, if good  
17 cause appears to the court, 25 days from the date of the order. The  
18 petitioner shall serve on the respondent, at least 5 days before the  
19 hearing, copies of all supporting papers filed with the court,  
20 including the application and affidavits.

21 (c) Notwithstanding subdivision (b), upon the denial of the ex  
22 parte order pursuant to Section 6320, the petitioner shall have the  
23 option of waiving his or her right to a noticed hearing. However,  
24 nothing in this section shall preclude a petitioner who waives his  
25 or her right to a noticed hearing from refileing a new petition,  
26 without prejudice, at a later time.

27 ~~(d) The Judicial Council, on or before January 1, 2010, shall~~  
28 ~~develop a form to implement this section.~~

29 *SEC. 19. Section 6322.7 of the Family Code is amended to*  
30 *read:*

31 6322.7. (a) The court shall order that any party enjoined  
32 pursuant to an order issued under this part be prohibited from  
33 taking any action to obtain the address or location of ~~a protected~~  
34 ~~party or a protected party's family members, caretakers, or guardian~~  
35 *any protected person*, unless there is good cause not to make that  
36 order.

37 (b) The Judicial Council shall ~~promulgate~~ *develop* forms  
38 necessary to effectuate this section.

39 *SEC. 20. Section 6345 of the Family Code is amended to read:*

1     6345. (a) In the discretion of the court, the personal conduct,  
2 stay-away, and residence exclusion orders contained in a court  
3 order issued after notice and a hearing under this article may have  
4 a duration of not more than five years, subject to termination or  
5 modification by further order of the court either on written  
6 stipulation filed with the court or on the motion of a party. These  
7 orders may be renewed, upon the request of a party, either for five  
8 years or permanently, without a showing of any further abuse since  
9 the issuance of the original order, subject to termination or  
10 modification by further order of the court either on written  
11 stipulation filed with the court or on the motion of a party. *The*  
12 *request for renewal may be brought at any time within the three*  
13 *months before the expiration of the orders.*

14     (b) Notwithstanding subdivision (a), the duration of any orders,  
15 other than the protective orders described in subdivision (a), that  
16 are also contained in a court order issued after notice and a hearing  
17 under this article, including, but not limited to, orders for custody,  
18 visitation, support, and disposition of property, shall be governed  
19 by the law relating to those specific subjects.

20     (c) The failure to state the expiration date on the face of the  
21 form creates an order with a duration of three years from the date  
22 of issuance.

23     SEC. 21. *Section 6380 of the Family Code is amended to read:*

24     6380. (a) Each county, with the approval of the Department  
25 of Justice, shall, by July 1, 1996, develop a procedure, using  
26 existing systems, for the electronic transmission of data, as  
27 described in subdivision (b), to the Department of Justice. The  
28 data shall be electronically transmitted through the California Law  
29 Enforcement Telecommunications System (CLETS) of the  
30 Department of Justice by law enforcement personnel, or with the  
31 approval of the Department of Justice, court personnel, or another  
32 appropriate agency capable of maintaining and preserving the  
33 integrity of both the CLETS and the Domestic Violence Restraining  
34 Order System, as described in subdivision (e). Data entry is  
35 required to be entered only once under the requirements of this  
36 section, unless the order is served at a later time. A portion of all  
37 fees payable to the Department of Justice under subdivision (a) of  
38 Section 1203.097 of the Penal Code for the entry of the information  
39 required under this section, based upon the proportion of the costs  
40 incurred by the local agency and those incurred by the Department

1 of Justice, shall be transferred to the local agency actually  
2 providing the data. All data with respect to criminal court protective  
3 orders issued, modified, extended, or terminated under subdivision  
4 (g) of Section 136.2 of the Penal Code, and all data filed with the  
5 court on the required Judicial Council forms with respect to  
6 protective orders, including their issuance, modification, extension,  
7 or termination, to which this division applies pursuant to Section  
8 6221, shall be transmitted by the court or its designee within one  
9 business day to law enforcement personnel by either one of the  
10 following methods:

11 (1) Transmitting a physical copy of the order to a local law  
12 enforcement agency authorized by the Department of Justice to  
13 enter orders into CLETS.

14 (2) With the approval of the Department of Justice, entering the  
15 order into CLETS directly.

16 (b) Upon the issuance of a protective order to which this division  
17 applies pursuant to Section 6221, or the issuance of a temporary  
18 restraining order or injunction relating to harassment or domestic,  
19 *unlawful violence, or the threat of violence* pursuant to Section  
20 527.6 or, 527.8, or 527.85 of the Code of Civil Procedure, or the  
21 issuance of a criminal court protective order under subdivision (g)  
22 of Section 136.2 of the Penal Code, or the issuance of a juvenile  
23 court restraining order related to domestic violence pursuant to  
24 Section 213.5, 304, or 362.4 of the Welfare and Institutions Code,  
25 or the issuance of a protective order pursuant to Section 15657.03  
26 of the Welfare and Institutions Code, or upon registration with the  
27 court clerk of a domestic violence protective or restraining order  
28 issued by the tribunal of another state, as defined in Section 6401,  
29 and including any of the foregoing orders issued in connection  
30 with an order for modification of a custody or visitation order  
31 issued pursuant to a dissolution, legal separation, nullity, or  
32 paternity proceeding the Department of Justice shall be  
33 immediately notified of the contents of the order and the following  
34 information:

35 (1) The name, race, date of birth, and other personal descriptive  
36 information of the respondent as required by a form prescribed by  
37 the Department of Justice.

38 (2) The names of the protected persons.

39 (3) The date of issuance of the order.

40 (4) The duration or expiration date of the order.

1 (5) The terms and conditions of the protective order, including  
2 stay-away, no-contact, residency exclusion, custody, and visitation  
3 provisions of the order.

4 (6) The department or division number and the address of the  
5 court.

6 (7) Whether or not the order was served upon the respondent.

7 (8) The terms and conditions of any restrictions on the ownership  
8 or possession of firearms.

9 All available information shall be included; however, the inability  
10 to provide all categories of information shall not delay the entry  
11 of the information available.

12 (c) The information conveyed to the Department of Justice shall  
13 also indicate whether the respondent was present in court to be  
14 informed of the contents of the court order. The respondent's  
15 presence in court shall provide proof of service of notice of the  
16 terms of the protective order. The respondent's failure to appear  
17 shall also be included in the information provided to the  
18 Department of Justice.

19 (d) (1) Within one business day of service, any law enforcement  
20 officer who served a protective order shall submit the proof of  
21 service directly into the Department of Justice Domestic Violence  
22 Restraining Order System, including his or her name and law  
23 enforcement agency, and shall transmit the original proof of service  
24 form to the issuing court.

25 (2) Within one business day of receipt of proof of service by a  
26 person other than a law enforcement officer, the clerk of the court  
27 shall submit the proof of service of a protective order directly into  
28 the Department of Justice Domestic Violation Restraining Order  
29 System, including the name of the person who served the order.  
30 If the court is unable to provide this notification to the Department  
31 of Justice by electronic transmission, the court shall, within one  
32 business day of receipt, transmit a copy of the proof of service to  
33 a local law enforcement agency. The local law enforcement agency  
34 shall submit the proof of service directly into the Department of  
35 Justice Domestic Violence Restraining Order System within one  
36 business day of receipt from the court.

37 (e) The Department of Justice shall maintain a Domestic  
38 Violence Restraining Order System and shall make available to  
39 court clerks and law enforcement personnel, through computer  
40 access, all information regarding the protective and restraining

1 orders and injunctions described in subdivision (b), whether or not  
2 served upon the respondent.

3 (f) If a court issues a modification, extension, or termination of  
4 a protective order, it shall be on forms adopted by the Judicial  
5 Council of California and that have been approved by the  
6 Department of Justice, and the transmitting agency for the county  
7 shall immediately notify the Department of Justice, by electronic  
8 transmission, of the terms of the modification, extension, or  
9 termination.

10 (g) The Judicial Council shall assist local courts charged with  
11 the responsibility for issuing protective orders by developing  
12 informational packets describing the general procedures for  
13 obtaining a domestic violence restraining order and indicating the  
14 appropriate Judicial Council forms. The informational packets  
15 shall include a design, that local courts shall complete, that  
16 describes local court procedures and maps to enable applicants to  
17 locate filing windows and appropriate courts, and shall also include  
18 information on how to return proofs of service, including mailing  
19 addresses and fax numbers. The court clerk shall provide a fee  
20 waiver form to all applicants for domestic violence protective  
21 orders. The court clerk shall provide all Judicial Council forms  
22 required by this chapter to applicants free of charge. The  
23 informational packet shall also contain a statement that the  
24 protective order is enforceable in any state, as defined in Section  
25 6401, and general information about agencies in other jurisdictions  
26 that may be contacted regarding enforcement of an order issued  
27 by a court of this state.

28 (h) For the purposes of this part, “electronic transmission” shall  
29 include computer access through the California Law Enforcement  
30 Telecommunications System (CLETS).

31 (i) Only protective and restraining orders issued on forms  
32 adopted by the Judicial Council of California and that have been  
33 approved by the Department of Justice shall be transmitted to the  
34 Department of Justice. However, this provision shall not apply to  
35 a valid protective or restraining order related to domestic or family  
36 violence issued by a tribunal of another state, as defined in Section  
37 6401. Those orders shall, upon request, be registered pursuant to  
38 Section 6404.

39 *SEC. 22. Section 6384 of the Family Code is amended to read:*

6384. (a) If a ~~person~~ *respondent* named in an order issued under this part after a hearing has not been served personally with the order but has received actual notice of the existence and substance of the order through personal appearance in court to hear the terms of the order from the court, no additional proof of service is required for enforcement of the order.

If a ~~person~~ *respondent* named in a temporary restraining order or emergency protective order is personally served with the order and notice of hearing with respect to a restraining order or protective order based ~~thereon~~ *on the temporary restraining order or emergency protective order*, but the ~~person~~ *respondent* does not appear at the hearing either in person or by counsel, and the terms and conditions of the restraining order or protective order *issued at the hearing* are identical to the temporary restraining or emergency protective order, except for the duration of the order, the restraining order or protective order *issued at the hearing* may be served on the ~~person~~ *respondent* by first-class mail sent to ~~that person~~ *the respondent* at the most current address for the ~~person~~ *respondent that is available to the court*.

(b) The ~~judicial~~ *Judicial Council* forms for orders issued under this part shall contain a statement in substantially the following form:

~~“NO ADDITIONAL PROOF OF SERVICE IS REQUIRED IF THE FACE OF THIS FORM INDICATES THAT BOTH PARTIES WERE PERSONALLY PRESENT AT THE HEARING WHERE THE ORDER WAS ISSUED.”~~

~~“IF YOU HAVE BEEN PERSONALLY SERVED WITH A TEMPORARY RESTRAINING ORDER OR EMERGENCY PROTECTIVE ORDER AND NOTICE OF HEARING, BUT YOU DO NOT APPEAR AT THE HEARING EITHER IN PERSON OR BY COUNSEL, AND A RESTRAINING ORDER OR PROTECTIVE ORDER IS ISSUED AT THE HEARING WHICH DOES NOT DIFFER FROM THE PRIOR TEMPORARY RESTRAINING ORDER OR EMERGENCY PROTECTIVE ORDER, A COPY OF THE ORDER WILL BE SERVED UPON YOU BY MAIL AT THE FOLLOWING ADDRESS \_\_\_\_\_. IF THAT ADDRESS IS NOT CORRECT OR YOU WISH TO VERIFY THAT THE TEMPORARY OR EMERGENCY ORDER WAS MADE PERMANENT WITHOUT SUBSTANTIVE CHANGE, CALL THE CLERK OF THE COURT AT \_\_\_\_\_.”~~



1     *“If you have been personally served with a temporary restraining*  
2 *order and notice of hearing, but you do not appear at the hearing*  
3 *either in person or by a lawyer, and a restraining order that is the*  
4 *same as this temporary restraining order except for the expiration*  
5 *date is issued at the hearing, a copy of the order will be served on*  
6 *you by mail at the following address: \_\_\_\_.*

7     *If that address is not correct or you wish to verify that the*  
8 *temporary restraining order was converted to a restraining order*  
9 *at the hearing without substantive change and to find out the*  
10 *duration of that order, contact the clerk of the court.”*

11     SEC. 23. *Section 6387 of the Family Code is amended to read:*

12     6387. The court shall order the clerk of the court to provide to  
13 a petitioner, without cost, ~~five~~ *up to three* certified, stamped, and  
14 endorsed copies of any order issued under this part, and of an  
15 extension, modification, or termination of the order.

16     SEC. 24. *Section 6389 of the Family Code is amended to read:*

17     6389. (a) A person subject to a protective order, as defined in  
18 Section 6218, shall not own, possess, purchase, or receive a firearm  
19 *or ammunition* while that protective order is in effect. Every person  
20 who owns, possesses, purchases or receives, or attempts to purchase  
21 or receive a firearm *or ammunition* while the protective order is  
22 in effect is punishable pursuant to subdivision (g) of Section 12021  
23 of the Penal Code.

24     (b) On all forms providing notice that a protective order has  
25 been requested or granted, the Judicial Council shall include a  
26 notice that, upon service of the order, the respondent shall be  
27 ordered to relinquish possession or control of any firearms and not  
28 to purchase or receive or attempt to purchase or receive any  
29 firearms for a period not to exceed the duration of the restraining  
30 order.

31     (c) (1) Upon issuance of a protective order, as defined in Section  
32 6218, the court shall order the respondent to relinquish any firearm  
33 in the respondent’s immediate possession or control or subject to  
34 the respondent’s immediate possession or control.

35     (2) The relinquishment ordered pursuant to paragraph (1) shall  
36 occur by immediately surrendering the firearm in a safe manner,  
37 upon request of any law enforcement officer, to the control of the  
38 officer, after being served with the protective order. Alternatively,  
39 if no request is made by a law enforcement officer, the  
40 relinquishment shall occur within 24 hours of being served with

1 the order, by either surrendering the firearm in a safe manner to  
2 the control of local law enforcement officials, or by selling the  
3 firearm to a licensed gun dealer, as specified in Section 12071 of  
4 the Penal Code. The law enforcement officer or licensed gun dealer  
5 taking possession of the firearm pursuant to this subdivision shall  
6 issue a receipt to the person relinquishing the firearm at the time  
7 of relinquishment. A person ordered to relinquish any firearm  
8 pursuant to this subdivision shall file with the court that issued the  
9 protective order, within 48 hours after being served with the order,  
10 the receipt showing the firearm was surrendered to a local law  
11 enforcement agency or sold to a licensed gun dealer. Failure to  
12 timely file a receipt shall constitute a violation of the protective  
13 order.

14 (3) ~~The application~~ forms for protective orders adopted by the  
15 Judicial Council and approved by the Department of Justice shall  
16 ~~be amended to~~ require the petitioner to describe the number, types,  
17 and locations of any firearms presently known by the petitioner to  
18 be possessed or controlled by the respondent.

19 (4) It is recommended that every law enforcement agency in  
20 the state develop, adopt, and implement written policies and  
21 standards for law enforcement officers who request immediate  
22 relinquishment of firearms.

23 (d) If the respondent declines to relinquish possession of any  
24 firearm based on the assertion of the right against  
25 self-incrimination, as provided by the Fifth Amendment to the  
26 United States Constitution and Section 15 of Article I of the  
27 California Constitution, the court may grant use immunity for the  
28 act of relinquishing the firearm required under this section.

29 (e) A local law enforcement agency may charge the respondent  
30 a fee for the storage of any firearm pursuant to this section. This  
31 fee shall not exceed the actual cost incurred by the local law  
32 enforcement agency for the storage of the firearm. For purposes  
33 of this subdivision, “actual cost” means expenses directly related  
34 to taking possession of a firearm, storing the firearm, and  
35 surrendering possession of the firearm to a licensed dealer as  
36 defined in Section 12071 of the Penal Code or to the respondent.

37 (f) The restraining order requiring a person to relinquish a  
38 firearm pursuant to subdivision (c) shall state on its face that the  
39 respondent is prohibited from owning, possessing, purchasing, or  
40 receiving a firearm while the protective order is in effect and that

1 the firearm shall be relinquished to the local law enforcement  
2 agency for that jurisdiction or sold to a licensed gun dealer, and  
3 that proof of surrender or sale shall be filed with the court within  
4 a specified period of receipt of the order. The order shall also state  
5 on its face the expiration date for relinquishment. Nothing in this  
6 section shall limit a respondent's right under existing law to petition  
7 the court at a later date for modification of the order.

8 (g) The restraining order requiring a person to relinquish a  
9 firearm pursuant to subdivision (c) shall prohibit the person from  
10 possessing or controlling any firearm for the duration of the order.  
11 At the expiration of the order, the local law enforcement agency  
12 shall return possession of any surrendered firearm to the  
13 respondent, within five days after the expiration of the  
14 relinquishment order, unless the local law enforcement agency  
15 determines that (1) the firearm has been stolen, (2) the respondent  
16 is prohibited from possessing a firearm because the respondent is  
17 in any prohibited class for the possession of firearms, as defined  
18 in Sections 12021 and 12021.1 of the Penal Code and Sections  
19 8100 and 8103 of the Welfare and Institutions Code, or (3) another  
20 successive restraining order is ~~used~~ *issued* against the respondent  
21 under this section. If the local law enforcement agency determines  
22 that the respondent is the legal owner of any firearm deposited  
23 with the local law enforcement agency and is prohibited from  
24 possessing any firearm, the respondent shall be entitled to sell or  
25 transfer the firearm to a licensed dealer as defined in Section 12071  
26 of the Penal Code. If the firearm has been stolen, the firearm shall  
27 be restored to the lawful owner upon his or her identification of  
28 the firearm and proof of ownership.

29 (h) The court may, as part of the relinquishment order, grant an  
30 exemption from the relinquishment requirements of this section  
31 for a particular firearm if the respondent can show that a particular  
32 firearm is necessary as a condition of continued employment and  
33 that the current employer is unable to reassign the respondent to  
34 another position where a firearm is unnecessary. If an exemption  
35 is granted pursuant to this subdivision, the order shall provide that  
36 the firearm shall be in the physical possession of the respondent  
37 only during scheduled work hours and during travel to and from  
38 his or her place of employment. In any case involving a peace  
39 officer who as a condition of employment and whose personal  
40 safety depends on the ability to carry a firearm, a court may allow

1 the peace officer to continue to carry a firearm, either on duty or  
2 off duty, if the court finds by a preponderance of the evidence that  
3 the officer does not pose a threat of harm. Prior to making this  
4 finding, the court shall require a mandatory psychological  
5 evaluation of the peace officer and may require the peace officer  
6 to enter into counseling or other remedial treatment program to  
7 deal with any propensity for domestic violence.

8 (i) During the period of the relinquishment order, a respondent  
9 is entitled to make one sale of all firearms that are in the possession  
10 of a local law enforcement agency pursuant to this section. A  
11 licensed gun dealer, who presents a local law enforcement agency  
12 with a bill of sale indicating that all firearms owned by the  
13 respondent that are in the possession of the local law enforcement  
14 agency have been sold by the respondent to the licensed gun dealer,  
15 shall be given possession of those firearms, at the location where  
16 a respondent's firearms are stored, within five days of presenting  
17 the local law enforcement agency with a bill of sale.

18 (j) The disposition of any unclaimed property under this section  
19 shall be made pursuant to Section 1413 of the Penal Code.

20 (k) The return of a firearm to any person pursuant to subdivision  
21 (g) shall not be subject to the requirements of subdivision (d) of  
22 Section 12072 of the Penal Code.

23 (l) If the respondent notifies the court that he or she owns a  
24 firearm that is not in his or her immediate possession, the court  
25 may limit the order to exclude that firearm if the judge is satisfied  
26 the respondent is unable to gain access to that firearm while the  
27 protective order is in effect.

28 (m) Any respondent to a protective order who violates any order  
29 issued pursuant to this section shall be punished under the  
30 provisions of subdivision (g) of Section 12021 of the Penal Code.

31 *SEC. 25. Section 6103.2 of the Government Code is amended*  
32 *to read:*

33 6103.2. (a) Section 6103 does not apply to any fee or charge  
34 or expense for official services rendered by a sheriff or marshal  
35 in connection with the levy of writs of attachment, execution,  
36 possession, or sale. The fee, charge, or expense may be advanced  
37 to the sheriff or marshal, as otherwise required by law.

38 (b) (1) Notwithstanding Section 6103, the sheriff or marshal,  
39 in connection with the service of process or notices, may require  
40 that all fees which a public agency, or any person or entity, is

1 required to pay under provisions of law other than this section, be  
2 prepaid by a public agency named in Section 6103, or by any  
3 person or entity, prior to the performance of any official act. This  
4 authority to require prepayment shall include fees governed by  
5 Section 6103.5.

6 (2) This subdivision does not apply to the service of process or  
7 notices in any action by the district attorney's office for the  
8 establishment or enforcement of a child support obligation.

9 (3) This subdivision does not apply to a particular jurisdiction  
10 unless the sheriff or marshal, as the case may be, imposes the  
11 requirement of prepayment upon public agencies and upon all  
12 persons or entities within the private sector.

13 (4) The requirement for prepayment of a fee deposit does not  
14 apply to orders or injunctions described in paragraph (1) of  
15 subdivision ~~(q)~~ (x) of Section 527.6 ~~and, paragraph (1) of~~  
16 ~~subdivision (w) of~~ Section 527.8, ~~or paragraph (1) of subdivision~~  
17 ~~(w) of~~ Section 527.85 of the Code of Civil Procedure, Division 10  
18 (commencing with Section 6200) of the Family Code (Prevention  
19 of Domestic Violence), and Chapter 11 (commencing with Section  
20 15600) of Part 3 of Division 9 of the Welfare and Institutions Code  
21 (Elder Abuse and Dependent Adult Civil Protection Act).

22 However, a sheriff or marshal may submit a billing to the  
23 superior court for payment of fees in the manner prescribed by the  
24 Judicial Council irrespective of the in forma pauperis status of any  
25 party under Rules 3.50 to 3.63, inclusive, of the California Rules  
26 of Court. The fees for service, cancellation of service, and making  
27 a not found return may not exceed the amounts provided in  
28 Sections 26721, 26736, and 26738, respectively, and are subject  
29 to the provisions of Section 26731.

30 ~~SEC. 2.~~

31 *SEC. 26.* Section 136.2 of the Penal Code is amended to read:

32 136.2. (a) Except as provided in subdivision (c), upon a good  
33 cause belief that harm to, or intimidation or dissuasion of, a victim  
34 or witness has occurred or is reasonably likely to occur, any court  
35 with jurisdiction over a criminal matter may issue orders including,  
36 but not limited to, the following:

37 (1) Any order issued pursuant to Section 6320 of the Family  
38 Code.

39 (2) An order that a defendant shall not violate any provision of  
40 Section 136.1.

1 (3) An order that a person before the court other than a  
2 defendant, including, but not limited to, a subpoenaed witness or  
3 other person entering the courtroom of the court, shall not violate  
4 any provisions of Section 136.1.

5 (4) An order that any person described in this section shall have  
6 no communication whatsoever with any specified witness or any  
7 victim, except through an attorney under any reasonable restrictions  
8 that the court may impose.

9 (5) An order calling for a hearing to determine if an order as  
10 described in paragraphs (1) to (4), inclusive, should be issued.

11 (6) An order that a particular law enforcement agency within  
12 the jurisdiction of the court provide protection for a victim or a  
13 witness, or both, or for immediate family members of a victim or  
14 a witness who reside in the same household as the victim or witness  
15 or within reasonable proximity of the victim's or witness'  
16 household, as determined by the court. The order shall not be made  
17 without the consent of the law enforcement agency except for  
18 limited and specified periods of time and upon an express finding  
19 by the court of a clear and present danger of harm to the victim or  
20 witness or immediate family members of the victim or witness.

21 For purposes of this paragraph, "immediate family members"  
22 include the spouse, children, or parents of the victim or witness.

23 (7) (A) Any order protecting victims of violent crime from all  
24 contact by the defendant, or contact, with the intent to annoy,  
25 harass, threaten, or commit acts of violence, by the defendant. The  
26 court or its designee shall transmit orders made under this  
27 paragraph to law enforcement personnel within one business day  
28 of the issuance, modification, extension, or termination of the  
29 order, pursuant to subdivision (a) of Section 6380 of the Family  
30 Code. It is the responsibility of the court to transmit the  
31 modification, extension, or termination orders made under this  
32 paragraph to the same agency that entered the original protective  
33 order into the Domestic Violence Restraining Order System.

34 (B) (i) If a court does not issue an order pursuant to  
35 subparagraph (A) in a case in which the defendant is charged with  
36 a crime of domestic violence as defined in Section 13700, the court  
37 on its own motion shall consider issuing a protective order upon  
38 a good cause belief that harm to, or intimidation or dissuasion of,  
39 a victim or witness has occurred or is reasonably likely to occur,  
40 that provides as follows:

1 (I) The defendant shall not own, possess, purchase, receive, or  
2 attempt to purchase or receive, a firearm while the protective order  
3 is in effect.

4 (II) The defendant shall relinquish any firearms that he or she  
5 owns or possesses pursuant to Section 527.9 of the Code of Civil  
6 Procedure.

7 (ii) Every person who owns, possesses, purchases, or receives,  
8 or attempts to purchase or receive, a firearm while this protective  
9 order is in effect is punishable pursuant to subdivision (g) of  
10 Section 12021.

11 (C) Any order issued, modified, extended, or terminated by a  
12 court pursuant to this paragraph shall be issued on forms adopted  
13 by the Judicial Council of California and that have been approved  
14 by the Department of Justice pursuant to subdivision (i) of Section  
15 6380 of the Family Code. However, the fact that an order issued  
16 by a court pursuant to this section was not issued on forms adopted  
17 by the Judicial Council and approved by the Department of Justice  
18 shall not, in and of itself, make the order unenforceable.

19 (b) Any person violating any order made pursuant to paragraphs  
20 (1) to (7), inclusive, of subdivision (a) may be punished for any  
21 substantive offense described in Section 136.1, or for a contempt  
22 of the court making the order. A finding of contempt shall not be  
23 a bar to prosecution for a violation of Section 136.1. However,  
24 any person so held in contempt shall be entitled to credit for any  
25 punishment imposed therein against any sentence imposed upon  
26 conviction of an offense described in Section 136.1. Any conviction  
27 or acquittal for any substantive offense under Section 136.1 shall  
28 be a bar to a subsequent punishment for contempt arising out of  
29 the same act.

30 (c) (1) Notwithstanding any other provision of law, in the event  
31 that two or more restraining or protective orders, including  
32 emergency protective orders, are issued under this code, the Code  
33 of Civil Procedure, the Family Code, or the Welfare and Institutions  
34 Code that satisfy all of the requirements set forth in subdivision  
35 (b), the orders shall be enforced in a manner that provides the  
36 greatest protection to the individuals protected under the orders  
37 and provides the most restrictions to the restrained party.

38 (2) (A) At least one of the protected individuals is identified  
39 in all of the orders.

40 (B) The restrained party is the same in all of the orders.

1 (C) The orders are in conflict.

2 (d) (1) A person subject to a protective order issued under this  
3 section shall not own, possess, purchase, receive, or attempt to  
4 purchase or receive a firearm while the protective order is in effect.

5 (2) The court shall order a person subject to a protective order  
6 issued under this section to relinquish any firearms he or she owns  
7 or possesses pursuant to Section 527.9 of the Code of Civil  
8 Procedure.

9 (3) Every person who owns, possesses, purchases or receives,  
10 or attempts to purchase or receive a firearm while the protective  
11 order is in effect is punishable pursuant to subdivision (g) of  
12 Section 12021 of the Penal Code.

13 (e) (1) In all cases where the defendant is charged with a crime  
14 of domestic violence, as defined in Section 13700, the court shall  
15 consider issuing the above-described orders on its own motion.  
16 All interested parties shall receive a copy of those orders. In order  
17 to facilitate this, the court's records of all criminal cases involving  
18 domestic violence shall be marked to clearly alert the court to this  
19 issue.

20 (2) Custody and visitation with respect to the defendant and his  
21 or her minor children may be ordered by a family or juvenile court  
22 consistent with the protocol established pursuant to subdivision  
23 (f), but if ordered after a criminal protective order has been issued  
24 pursuant to this section, the custody and visitation order shall make  
25 reference to, and acknowledge the precedence of enforcement of,  
26 any appropriate criminal protective order. On or before July 1,  
27 2006, the Judicial Council shall modify the criminal and civil court  
28 forms consistent with this subdivision.

29 (f) On or before January 1, 2003, the Judicial Council shall  
30 promulgate a protocol, for adoption by each local court in  
31 substantially similar terms, to provide for the timely coordination  
32 of all orders against the same defendant and in favor of the same  
33 named victim or victims. The protocol shall include, but shall not  
34 be limited to, mechanisms for assuring appropriate communication  
35 and information sharing between criminal, family, and juvenile  
36 courts concerning orders and cases that involve the same parties,  
37 and shall permit a family or juvenile court order to coexist with a  
38 criminal court protective order subject to the following conditions:

39 (1) Any order that permits contact between the restrained person  
40 and his or her children shall provide for the safe exchange of the



1 children and shall not contain language either printed or  
2 handwritten that violates a “no contact order” issued by a criminal  
3 court.

4 (2) Safety of all parties shall be the courts’ paramount concern.  
5 The family or juvenile court shall specify the time, day, place, and  
6 manner of transfer of the child, as provided in Section 3100 of the  
7 Family Code.

8 (g) On or before January 1, 2003, the Judicial Council shall  
9 modify the criminal and civil court protective order forms  
10 consistent with this section.

11 (h) In any case in which a complaint, information, or indictment  
12 charging a crime of domestic violence, as defined in Section 13700,  
13 has been filed, the court may consider, in determining whether  
14 good cause exists to issue an order under paragraph (1) of  
15 subdivision (a), the underlying nature of the offense charged, and  
16 the information provided to the court pursuant to Section 273.75.

17 *SEC. 27. Section 213.5 of the Welfare and Institutions Code*  
18 *is amended to read:*

19 213.5. (a) After a petition has been filed pursuant to Section  
20 311 to declare a child a dependent child of the juvenile court, and  
21 until the time that the petition is dismissed or dependency is  
22 terminated, upon application in the manner provided by Section  
23 527 of the Code of Civil Procedure *or in the manner provided by*  
24 *Section 6300 of the Family Code, if related to domestic violence,*  
25 *the juvenile court may have exclusive jurisdiction to issue ex parte*  
26 *orders (1) enjoining any person from molesting, attacking, striking,*  
27 *sexually assaulting, stalking, or battering stalking, threatening,*  
28 *sexually assaulting, battering, harassing, telephoning, including,*  
29 *but not limited to, making annoying telephone calls as described*  
30 *in Section 653m of the Penal Code, destroying the personal*  
31 *property, contacting, either directly or indirectly, by mail or*  
32 *otherwise, coming within a specified distance of, or disturbing the*  
33 *peace of the child or any other child in the household; and (2)*  
34 *excluding any person from the dwelling of the person who has*  
35 *care, custody, and control of the child; and (3) enjoining any person*  
36 *from behavior, including contacting, threatening, or disturbing the*  
37 *peace of the child, that the court determines is necessary to*  
38 *effectuate orders under paragraph (1) or (2). A court may also issue*  
39 *an ex parte order enjoining any person from contacting, threatening,*  
40 *molesting, attacking, striking, sexually assaulting, stalking,*

1 ~~battering, or disturbing the peace~~ molesting, attacking, striking,  
2 stalking, threatening, sexually assaulting, battering, harassing,  
3 telephoning, including, but not limited to, making annoying  
4 telephone calls as described in Section 635m of the Penal Code,  
5 destroying the personal property, contacting, either directly or  
6 indirectly, by mail or otherwise, coming within a specified distance  
7 of, or disturbing the peace of any parent, legal guardian, or current  
8 caretaker of the child, regardless of whether the child resides with  
9 that parent, legal guardian, or current caretaker, upon application  
10 in the manner provided by Section 527 of the Code of Civil  
11 Procedure *or, if related to domestic violence, in the manner*  
12 *provided by Section 6300 of the Family Code. A court may also*  
13 *issue an ex parte order enjoining any person from molesting,*  
14 *attacking, striking, stalking, threatening, sexually assaulting,*  
15 *battering, harassing, telephoning, including, but not limited to,*  
16 *making annoying telephone calls as described in Section 635m of*  
17 *the Penal Code, destroying the personal property, contacting,*  
18 *either directly or indirectly, by mail or otherwise, coming within*  
19 *a specified distance of, or disturbing the peace of the child's*  
20 *current or former social worker or court appointed special*  
21 *advocate, upon application in the manner provided by Section 527*  
22 *of the Code of Civil Procedure.*

23 (b) After a petition has been filed pursuant to Section 601 or  
24 602 to declare a child a ward of the juvenile court, and until the  
25 time that the petition is dismissed or wardship is terminated, upon  
26 application in the manner provided by Section 527 of the Code of  
27 Civil Procedure *or, if related to domestic violence, in the manner*  
28 *provided by Section 6300 of the Family Code, the juvenile court*  
29 *may issue ex parte orders (1) enjoining any person from molesting,*  
30 *attacking, threatening, sexually assaulting, stalking, or battering*  
31 *striking, stalking, threatening, sexually assaulting, battering,*  
32 *harassing, telephoning, including, but not limited to, making*  
33 *annoying telephone calls as described in Section 653m of the Penal*  
34 *Code, destroying the personal property, contacting, either directly*  
35 *or indirectly, by mail or otherwise, coming within a specified*  
36 *distance of, or disturbing the peace of the child or any other child*  
37 *in the household; (2) excluding any person from the dwelling of*  
38 *the person who has care, custody, and control of the child; or (3)*  
39 *enjoining the child from contacting, threatening, stalking, or*  
40 *disturbing the peace of any person the court finds to be at risk from*

1 the conduct of the child, or with whom association would be  
2 detrimental to the child. *A court may also issue an ex parte order*  
3 *enjoining any person from molesting, attacking, striking, stalking,*  
4 *threatening, sexually assaulting, battering, harassing, telephoning,*  
5 *including, but not limited to, making annoying telephone calls as*  
6 *described in Section 635m of the Penal Code, destroying the*  
7 *personal property, contacting, either directly or indirectly, by mail*  
8 *or otherwise, coming within a specified distance of, or disturbing*  
9 *the peace of any parent, legal guardian, or current caretaker of*  
10 *the child, regardless of whether the child resides with that parent,*  
11 *legal guardian, or current caretaker, upon application in the*  
12 *manner provided by Section 527 of the Code of Civil Procedure*  
13 *or, if related to domestic violence, in the manner provided by*  
14 *Section 6300 of the Family Code. A court may also issue an ex*  
15 *parte order enjoining any person from molesting, attacking,*  
16 *striking, stalking, threatening, sexually assaulting, battering,*  
17 *harassing, telephoning, including, but not limited to, making*  
18 *annoying telephone calls as described in Section 635m of the Penal*  
19 *Code, destroying the personal property, contacting, either directly*  
20 *or indirectly, by mail or otherwise, coming within a specified*  
21 *distance of, or disturbing the peace of the child's current or former*  
22 *probation officer or court appointed special advocate, upon*  
23 *application in the manner provided by Section 527 of the Code of*  
24 *Civil Procedure.*

25 (c) If a temporary restraining order is granted without notice,  
26 the matter shall be made returnable on an order requiring cause to  
27 be shown why the order should not be granted, on the earliest day  
28 that the business of the court will permit, but not later than ~~15~~ 21  
29 days or, if good cause appears to the court, ~~20~~ 25 days from the  
30 date the temporary restraining order is granted. The court may, on  
31 the motion of the person seeking the restraining order, or on its  
32 own motion, shorten the time for service of the order to show cause  
33 on the person to be restrained. The court may, upon its own motion  
34 or the filing of ~~an affidavit~~ *a declaration* by the person seeking  
35 the restraining order, find that the person to be restrained could  
36 not be served within the time required by law and reissue an order  
37 previously issued and dissolved by the court for failure to serve  
38 the person to be restrained. *The reissued order shall remain in*  
39 *effect until the date set for the hearing.* The reissued order shall  
40 state on its face the date of expiration of the order. Any hearing

1 pursuant to this section may be held simultaneously with any  
2 regularly scheduled hearings held in proceedings to declare a child  
3 a dependent child or ward of the juvenile court pursuant to Section  
4 300, 601, or 602, or subsequent hearings regarding the dependent  
5 child or ward.

6 (d) The juvenile court may issue, upon notice and a hearing,  
7 any of the orders set forth in subdivisions (a), (b), and (c). Any  
8 restraining order granted pursuant to this subdivision shall remain  
9 in effect, in the discretion of the court, no more than three years,  
10 unless otherwise terminated by the court, extended by mutual  
11 consent of all parties to the restraining order, or extended by further  
12 order of the court on the motion of any party to the restraining  
13 order.

14 (e) (1) The juvenile court may issue an order made pursuant to  
15 subdivision (a), ~~(e)~~, (b), or (d) excluding a person from a residence  
16 or dwelling. This order may be issued for the time and on the  
17 conditions that the court determines, regardless of which party  
18 holds legal or equitable title or is the lessee of the residence or  
19 dwelling.

20 (2) The court may issue an order under paragraph (1) only on  
21 a showing of all of the following:

22 (A) Facts sufficient for the court to ascertain that the party who  
23 will stay in the dwelling has a right under color of law to possession  
24 of the premises.

25 (B) That the party to be excluded has assaulted or threatens to  
26 assault the other party or any other person under the care, custody,  
27 and control of the other party, or any minor child of the parties or  
28 of the other party.

29 (C) That physical or emotional harm would otherwise result to  
30 the other party, to any person under the care, custody, and control  
31 of the other party, or to any minor child of the parties or of the  
32 other party.

33 (f) Any order issued pursuant to subdivision (a), (b), (c), or (d)  
34 shall state on its face the date of expiration of the order.

35 ~~(g) The juvenile court shall order any designated person or~~  
36 ~~attorney to mail a copy of any~~ *All data with respect to a juvenile*  
37 *court protective order, or extension, modification, or termination*  
38 *thereof, granted pursuant to subdivision (a), (b), (c), or (d), by the*  
39 ~~close of the business day on which the order, extension,~~  
40 ~~modification, or termination was granted, and any subsequent~~

1 proof of service thereof, to each local law enforcement agency  
2 designated by the person seeking the restraining order or his or  
3 her attorney having jurisdiction over the residence of the person  
4 who has care, custody, and control of the child and other locations  
5 where the court determines that acts of domestic violence or abuse  
6 against the child or children are likely to occur. Each appropriate  
7 law enforcement agency shall make available through an existing  
8 system for verification, information as to the existence, terms, and  
9 current status of any order issued pursuant to subdivision (a), (b),  
10 (c), or (d) to any law enforcement officer responding to the scene  
11 of reported domestic violence or abuse. *shall be transmitted by*  
12 *the court or its designee, within one business day, to law*  
13 *enforcement personnel by either one of the following methods:*

14 (1) *Transmitting a physical copy of the order to a local law*  
15 *enforcement agency authorized by the Department of Justice to*  
16 *enter orders into the California Law Enforcement*  
17 *Telecommunications System (CLETS).*

18 (2) *With the approval of the Department of Justice, entering the*  
19 *order into CLETS directly.*

20 (h) Any willful and knowing violation of any order granted  
21 pursuant to subdivision (a), (b), (c), or (d) shall be a misdemeanor  
22 punishable under Section 273.65 of the Penal Code.

23 (i) A juvenile court restraining order related to domestic violence  
24 issued by a court pursuant to this section shall be issued on forms  
25 adopted by the Judicial Council of California and that have been  
26 approved by the Department of Justice pursuant to subdivision (i)  
27 of Section 6380 of the Family Code. However, the fact that an  
28 order issued by a court pursuant to this section was not issued on  
29 forms adopted by the Judicial Council and approved by the  
30 Department of Justice shall not, in and of itself, make the order  
31 unenforceable.

32 ~~(j) Information on any juvenile court restraining order related~~  
33 ~~to domestic violence issued by a court pursuant to this section shall~~  
34 ~~be transmitted to the Department of Justice in accordance with~~  
35 ~~subdivision (b) of Section 6380 of the Family Code.~~

36 ~~(k)~~

37 (j) (1) Prior to a hearing on the issuance or denial of an order  
38 under this part, a search shall be conducted as described in  
39 subdivision (a) of Section 6306 of the Family Code.

(2) Prior to deciding whether to issue an order under this part, the court shall consider the following information obtained pursuant to a search conducted under paragraph (1): any conviction for a violent felony specified in Section 667.5 of the Penal Code or a serious felony specified in Section 1192.7 of the Penal Code; any misdemeanor conviction involving domestic violence, weapons, or other violence; any outstanding warrant; parole or probation status; any prior restraining order; and any violation of a prior restraining order.

(3) (A) If the results of the search conducted pursuant to paragraph (1) indicate that an outstanding warrant exists against the subject of the search, the court shall order the clerk of the court to immediately notify, by the most effective means available, appropriate law enforcement officials of any information obtained through the search that the court determines is appropriate. The law enforcement officials notified shall take all actions necessary to execute any outstanding warrants or any other actions, as appropriate and as soon as practicable.

(B) If the results of the search conducted pursuant to paragraph (1) indicate that the subject of the search is currently on parole or probation, the court shall order the clerk of the court to immediately notify, by the most effective means available, the appropriate parole or probation officer of any information obtained through the search that the court determines is appropriate. The parole or probation officer notified shall take all actions necessary to revoke any parole or probation, or any other actions, with respect to the subject person, as appropriate and as soon as practicable.

(t)

(k) Upon making any order for custody or visitation pursuant to this section, the court shall follow the procedures specified in subdivisions (c) and (d) of Section 6323 of the Family Code.

*SEC. 28. Section 15657.03 of the Welfare and Institutions Code is amended to read:*

15657.03. (a) (1) An elder or dependent adult who has suffered abuse as defined in Section 15610.07 may seek protective orders as provided in this section.

(2) *A petition may be brought on behalf of an abused elder or dependent adult by a conservator or other person legally authorized to seek such relief. If there is no conservator, any person referenced in paragraph (4) of subdivision (a) of Section 1820 of*

1 *the Probate Code may seek protective orders as provided in this*  
2 *section.*

3 (b) For the purposes of this section, ~~“protective:~~

4 (1) *“Conservator” means the legally appointed conservator of*  
5 *the person or estate of the petitioner, or both.*

6 (2) *“Petitioner” means the elder or dependent adult to be*  
7 *protected by the protective orders and, if the court grants the*  
8 *petition, the protected person.*

9 (3) *“Protective order” means an order that includes any of the*  
10 *following restraining orders, whether issued ex parte, after notice*  
11 *and hearing, or in a judgment:*

12 ~~(1)~~

13 (A) An order enjoining a party from abusing, intimidating,  
14 molesting, attacking, striking, stalking, threatening, sexually  
15 assaulting, battering, harassing, telephoning, including, but not  
16 limited to, *making* annoying telephone calls as described in Section  
17 653m of the Penal Code, destroying personal property, contacting,  
18 either directly or indirectly, by mail or otherwise, or coming within  
19 a specified distance of, or disturbing the peace of the petitioner,  
20 and, in the discretion of the court, on a showing of good cause, of  
21 other named family or household members or a conservator, if  
22 any, of the petitioner.

23 ~~(2)~~

24 (B) An order excluding a party from the petitioner’s residence  
25 or dwelling, except that this order shall not be issued if legal or  
26 equitable title to, or lease of, the residence or dwelling is in the  
27 sole name of the party to be excluded, or is in the name of the party  
28 to be excluded and any other party besides the petitioner.

29 ~~(3)~~

30 (C) An order enjoining a party from specified behavior that the  
31 court determines is necessary to effectuate orders described in  
32 ~~paragraph (1) or (2) subparagraph (A) or (B).~~

33 (4) *“Respondent” means the person against whom the protective*  
34 *orders are sought and, if the petition is granted, the restrained*  
35 *person.*

36 (c) An order may be issued under this section, with or without  
37 notice, to restrain any person for the purpose of preventing a  
38 recurrence of abuse, if ~~an affidavit~~ *a declaration* shows, to the  
39 satisfaction of the court, reasonable proof of a past act or acts of  
40 abuse of the petitioning elder or dependent adult.

(d) ~~(1)~~—Upon filing a petition for protective orders under this section, the petitioner may obtain a temporary restraining order in accordance with Section 527 of the Code of Civil Procedure, except to the extent this section provides a rule that is inconsistent. The temporary restraining order may include any of the protective orders described in *paragraph (3) of subdivision (b)*. However, the court may issue an ex parte order excluding a party from the petitioner’s residence or dwelling only on a showing of all of the following:

~~(A)~~

~~(1)~~ Facts sufficient for the court to ascertain that the party who will stay in the dwelling has a right under color of law to possession of the premises.

~~(B)~~

~~(2)~~ That the party to be excluded has assaulted or threatens to assault the petitioner, other named family or household member of the petitioner, or a conservator of the petitioner.

~~(C)~~

~~(3)~~ That physical or emotional harm would otherwise result to the petitioner, other named family or household member of the petitioner, or a conservator of the petitioner.

~~(2) If a temporary restraining order is granted without notice, the matter shall be made returnable on an order requiring cause to be shown why a permanent order should not be granted, on the earliest day that the business of the court will permit, but not later than 20 days or, if good cause appears to the court, 25 days from the date the temporary restraining order is granted, unless the order is otherwise modified or terminated by the court.~~

~~(e) A request for the issuance of a temporary restraining order without notice under this section shall be granted or denied on the same day that the petition is submitted to the court, unless the petition is filed too late in the day to permit effective review, in which case the order shall be granted or denied on the next day of judicial business in sufficient time for the order to be filed that day with the clerk of the court.~~

~~(f) Within 21 days, or, if good cause appears to the court, 25 days, from the date that a request for a temporary restraining order is granted or denied, a hearing shall be held on the petition. If no request for temporary orders is made, the hearing shall be~~



1 *held within 21 days, or, if good cause appears to the court, 25*  
2 *days, from the date that the petition is filed.*

3 *(g) The respondent may file a response that explains, excuses,*  
4 *justifies, or denies the alleged abuse.*

5 ~~(e)~~

6 *(h) The court may issue, upon notice and a hearing, any of the*  
7 *orders set forth in paragraph (3) of subdivision (b). The court may*  
8 *issue, after notice and hearing, an order excluding a person from*  
9 *a residence or dwelling if the court finds that physical or emotional*  
10 *harm would otherwise result to the petitioner, other named family*  
11 *or household member of the petitioner, or conservator of the*  
12 *petitioner.*

13 ~~(f)~~

14 *(i) (1) In the discretion of the court, an order issued after notice*  
15 *and a hearing under this section may have a duration of not more*  
16 *than ~~three~~ five years, subject to termination or modification by*  
17 *further order of the court either on written stipulation filed with*  
18 *the court or on the motion of a party. These orders may be renewed*  
19 *upon the request of a party, either for ~~three~~ five years or*  
20 *permanently, without a showing of any further abuse since the*  
21 *issuance of the original order, subject to termination or*  
22 *modification by further order of the court either on written*  
23 *stipulation filed with the court or on the motion of a party. The*  
24 *request for renewal may be brought at any time within the three*  
25 *months before the expiration of the order.*

26 *(2) The failure to state the expiration date on the face of the*  
27 *form creates an order with a duration of three years from the date*  
28 *of issuance.*

29 *(j) In a proceeding under this section, a support person may*  
30 *accompany a party in court and, if the party is not represented by*  
31 *an attorney, may sit with the party at the table that is generally*  
32 *reserved for the party and the party's attorney. The support person*  
33 *is present to provide moral and emotional support for a person*  
34 *who alleges he or she is a victim of abuse. The support person is*  
35 *not present as a legal adviser and may not provide legal advice.*  
36 *The support person may assist the person who alleges he or she*  
37 *is a victim of abuse in feeling more confident that he or she will*  
38 *not be injured or threatened by the other party during the*  
39 *proceedings if the person who alleges he or she is a victim of abuse*  
40 *and the other party are required to be present in close proximity.*

1 *This subdivision does not preclude the court from exercising its*  
2 *discretion to remove the support person from the courtroom if the*  
3 *court believes the support person is prompting, swaying, or*  
4 *influencing the party assisted by the support person.*

5 ~~(g)~~

6 (k) Upon the filing of a petition for protective orders under this  
7 section, the respondent shall be personally served with a copy of  
8 the petition, notice of the hearing or order to show cause, temporary  
9 restraining order, if any, and any ~~affidavits~~ *declarations* in support  
10 of the petition. Service shall be made at least five days before the  
11 hearing. The court may, on motion of the petitioner or on its own  
12 motion, shorten the time for service on the respondent.

13 (l) *A notice of hearing under this section shall notify the*  
14 *respondent that if he or she does not attend the hearing, the court*  
15 *may make orders against him or her that could last up to three*  
16 *years.*

17 ~~(h)~~

18 (m) (1) The court may, upon the filing of ~~an affidavit a~~  
19 ~~declaration by the applicant~~ *petitioner* that the respondent could  
20 not be served within the time required by statute, reissue an order  
21 previously issued and dissolved by the court for failure to serve  
22 the respondent. The reissued order shall ~~be made returnable on the~~  
23 ~~earliest day that the business of the court will permit, but not later~~  
24 ~~than 20 days or, if good cause appears to the court, 25 days from~~  
25 ~~the date of reissuance. The remain in effect until the date set for~~  
26 ~~the hearing.~~

27 (2) *The reissued order shall state on its face the date of expiration*  
28 *of the order.*

29 ~~(i)~~

30 (n) (1) If a ~~person~~ *respondent*, named in an order issued under  
31 this section, after a hearing, has not been served personally with  
32 the order but has received actual notice of the existence and  
33 substance of the order through personal appearance in court to  
34 hear the terms of the order from the court, no additional proof of  
35 service is required for enforcement of the order.

36 (2) If the ~~person~~ *respondent* named in a temporary restraining  
37 order is personally served with the order and notice of hearing  
38 with respect to a restraining order or protective order based ~~thereon~~  
39 ~~on the temporary restraining order~~, but the ~~person~~ *respondent*  
40 does not appear at the hearing, either personally or by ~~counsel~~ *an*

1 attorney, and the terms and conditions of the restraining order or  
2 protective order *issued at the hearing* are identical to the temporary  
3 restraining order, except for the duration of the order, then the  
4 restraining order or protective order *issued at the hearing* may be  
5 served on the ~~person~~ *respondent* by first-class mail sent to ~~that~~  
6 ~~person~~ *the respondent* at the most current address for the ~~person~~  
7 *respondent that is available to the court.*

8 (3) The ~~judicial~~ *Judicial Council* form for temporary orders  
9 issued pursuant to this subdivision shall contain a statement in  
10 substantially the following form:

11 ~~“NO ADDITIONAL PROOF OF SERVICE IS REQUIRED IF~~  
12 ~~THE FACE OF THIS FORM INDICATES THAT BOTH~~  
13 ~~PARTIES WERE PERSONALLY PRESENT AT THE HEARING~~  
14 ~~WHERE THE ORDER WAS ISSUED. IF YOU HAVE BEEN~~  
15 ~~PERSONALLY SERVED WITH A TEMPORARY~~  
16 ~~RESTRAINING ORDER OR EMERGENCY PROTECTIVE~~  
17 ~~ORDER AND NOTICE OF HEARING, BUT YOU DO NOT~~  
18 ~~APPEAR AT THE HEARING EITHER IN PERSON OR BY~~  
19 ~~COUNSEL, AND A RESTRAINING ORDER OR PROTECTIVE~~  
20 ~~ORDER IS ISSUED AT THE HEARING THAT DOES NOT~~  
21 ~~DIFFER FROM THE PRIOR TEMPORARY RESTRAINING~~  
22 ~~ORDER OR EMERGENCY PROTECTIVE ORDER, A COPY~~  
23 ~~OF THE ORDER WILL BE SERVED UPON YOU BY MAIL~~  
24 ~~AT THE FOLLOWING ADDRESS \_\_\_\_\_. IF THAT ADDRESS~~  
25 ~~IS NOT CORRECT OR YOU WISH TO VERIFY THAT THE~~  
26 ~~TEMPORARY OR EMERGENCY ORDER WAS MADE~~  
27 ~~PERMANENT WITHOUT SUBSTANTIVE CHANGE, CALL~~  
28 ~~THE CLERK OF THE COURT AT \_\_\_\_\_.”~~

29 *“If you have been personally served with a temporary restraining*  
30 *order and notice of hearing, but you do not appear at the hearing*  
31 *either in person or by a lawyer, and a restraining order that is the*  
32 *same as this temporary restraining order except for the expiration*  
33 *date is issued at the hearing, a copy of the order will be served on*  
34 *you by mail at the following address: \_\_\_\_\_.*

35 *If that address is not correct or you wish to verify that the*  
36 *temporary restraining order was converted to a restraining order*  
37 *at the hearing without substantive change and to find out the*  
38 *duration of that order, contact the clerk of the court.”*

39 (o) (1) *Information on any protective order relating to elder*  
40 *or dependent adult abuse issued by a court pursuant to this section*

1 *shall be transmitted to the Department of Justice in accordance*  
2 *with either paragraph (2) or (3).*

3 ~~(j) (1)~~

4 (2) The court shall order the petitioner or the attorney for the  
5 petitioner to deliver, ~~or the clerk of the court to mail~~, a copy of an  
6 order issued under this section, or a reissuance, extension,  
7 modification, or termination of the order, and any subsequent proof  
8 of service, by the close of the business day on which the order,  
9 reissuance, extension, modification, or termination was made, to  
10 each ~~local~~ law enforcement agency ~~designated by the petitioner~~  
11 ~~or the attorney for the petitioner~~ having jurisdiction over the  
12 residence of the petitioner, and to any additional law enforcement  
13 agencies within the court's discretion as are requested by the  
14 petitioner. ~~Each~~

15 (3) *Alternatively, the court or its designee shall transmit, within*  
16 *one business day, to law enforcement personnel all information*  
17 *required under subdivision (b) of Section 6380 of the Family Code*  
18 *regarding any order issued under this section, or a reissuance,*  
19 *extension, modification, or termination of the order; and any*  
20 *subsequent proof of service, by either one of the following methods:*

21 (A) *Transmitting a physical copy of the order or proof of service*  
22 *to a local law enforcement agency authorized by the Department*  
23 *of Justice to enter orders into the California Law Enforcement*  
24 *Telecommunications System (CLETS).*

25 (B) *With the approval of the Department of Justice, entering*  
26 *the order or proof of service into CLETS directly.*

27 (4) Each appropriate law enforcement agency shall make  
28 available information as to the existence and current status of these  
29 orders to law enforcement officers responding to the scene of  
30 reported abuse.

31 ~~(2)~~

32 (5) An order issued under this section shall, on request of the  
33 petitioner, be served on the respondent, whether or not the  
34 respondent has been taken into custody, by any law enforcement  
35 officer who is present at the scene of reported abuse involving the  
36 parties to the proceeding. The petitioner shall provide the officer  
37 with an endorsed copy of the order and a proof of service, which  
38 the officer shall complete and send to the issuing court.

39 ~~(3)~~

1 (6) Upon receiving information at the scene of an incident of  
2 abuse that a protective order has been issued under this section,  
3 or that a person who has been taken into custody is the respondent  
4 to that order, if the protected person cannot produce an endorsed  
5 copy of the order, a law enforcement officer shall immediately  
6 attempt to verify the existence of the order.

7 ~~(4)~~

8 (7) If the law enforcement officer determines that a protective  
9 order has been issued, but not served, the officer shall immediately  
10 notify the respondent of the terms of the order and where a written  
11 copy of the order can be obtained, and the officer shall at that time  
12 also enforce the order. The law enforcement officer's verbal notice  
13 of the terms of the order shall constitute service of the order and  
14 is sufficient notice for the purposes of this section and for the  
15 purposes of Section 273.6 of the Penal Code.

16 ~~(k)~~

17 (p) Nothing in this section shall preclude either party from  
18 representation by private counsel or from appearing on the party's  
19 own behalf.

20 ~~(t)~~

21 (q) There is no filing fee for a petition, response, or paper  
22 seeking the reissuance, modification, or enforcement of a protective  
23 order filed in a proceeding brought pursuant to this section.

24 ~~(m)~~

25 (r) Pursuant to paragraph (4) of subdivision (b) of Section  
26 6103.2 of the Government Code, a petitioner shall not be required  
27 to pay a fee for law enforcement to serve an order issued under  
28 this ~~chapter~~ section.

29 ~~(n)~~

30 (s) The prevailing party in any action brought under this section  
31 may be awarded court costs and attorney's fees, if any.

32 ~~(o) (1) An order issued pursuant to this section shall prohibit~~  
33 ~~the person subject to it from owning, possessing, purchasing,~~  
34 ~~receiving, or attempting to purchase or receive, a firearm.~~

35 ~~(2) Paragraph (1) shall not apply to a case consisting solely of~~  
36 ~~financial abuse unaccompanied by force, threat, harassment,~~  
37 ~~intimidation, or any other form of abuse.~~

38 (t) *(1) A person subject to a protective order under this section*  
39 *shall not own, possess, purchase, receive, or attempt to receive a*  
40 *firearm or ammunition while the protective order is in effect.*

1     ~~(3)~~

2     (2) The court shall order a person subject to a protective order  
3 issued under this section to relinquish any firearms he or she owns  
4 or possesses pursuant to Section 527.9 of the Code of Civil  
5 Procedure.

6     ~~(4)~~

7     (3) Every person who owns, possesses, purchases, or receives,  
8 or attempts to purchase or receive a firearm *or ammunition* while  
9 the protective order is in effect is punishable pursuant to  
10 subdivision (g) of Section 12021 of the Penal Code.

11     (4) *This subdivision shall not apply in a case in which the*  
12 *protective order issued under this section was made solely on the*  
13 *basis of financial abuse unaccompanied by force, threat,*  
14 *harassment, intimidation, or any other form of abuse.*

15     ~~(p)~~

16     (u) Any willful disobedience of any temporary restraining order  
17 or restraining order after hearing granted under this section is  
18 punishable pursuant to Section 273.6 of the Penal Code.

19     ~~(q)~~

20     (v) This section does not apply to any action or proceeding  
21 ~~covered~~ *governed* by Title 1.6C (commencing with Section 1788)  
22 of Part 4 of Division 3 of the Civil Code, by Chapter 3  
23 (commencing with Section 525) of Title 7 of Part 2 of the Code  
24 of Civil Procedure, or by Division 10 (commencing with Section  
25 6200) of the Family Code. Nothing in this section shall preclude  
26 a petitioner's right to use other existing civil remedies.

27     ~~(r)~~

28     (w) The Judicial Council shall ~~promulgate~~ *develop* forms ~~and,~~  
29 ~~instructions therefor, and rules for service of process, scheduling~~  
30 ~~of hearings, and any other matters required~~ *relating to matters*  
31 *governed* by this section. The petition and response forms shall be  
32 simple and concise, *and their use by parties in actions brought*  
33 *pursuant to this section shall be mandatory.*

34     ~~(s) This section shall become operative on January 1, 2010.~~

35     SEC. 29. *Section 15657.04 of the Welfare and Institutions Code*  
36 *is amended to read:*

37     15657.04. (a) The court shall order that any party enjoined  
38 pursuant to Section 15657.03 be prohibited from taking any action  
39 to obtain the address or location of ~~a any protected party or a~~

1 ~~protected party's family members, caretakers, or guardian person,~~  
2 unless there is good cause not to make that order.

3 (b) The Judicial Council shall ~~promulgate~~ *develop* forms  
4 necessary to effectuate this section.

5 *SEC. 30. This act shall become operative on January 1, 2012.*

O